

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

John Paul Frank Schowachert v. Kelley Santoro, et al.

Schowachert v. Santoro · No. No. 1:21-cv-01168 KES GSA (PC) · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of the plaintiff’s 42 U.S.C. § 1983 action. The court dismissed the action without prejudice for failure to obey a screening order and failure to prosecute, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	No. 1:21-cv-01168 KES GSA (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal of a prisoner's 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter or neutral citation identified.
PARTIES	John Paul Frank Schowachert v. Kelley Santoro, et al.

TOPICS

- sanctions
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiff's failure to comply with the screening order and failure to prosecute warranted dismissal without prejudice.
2. Whether the relevant dismissal factors, including docket management, prejudice, disposition on the merits, and availability of lesser sanctions, supported dismissal.

HOLDINGS

1. A district court may dismiss an action without prejudice when a plaintiff fails to obey a court order and fails to prosecute the action, provided the relevant dismissal factors support that sanction.
2. The public interest in expeditious resolution, the court's need to manage its docket, the presumption of prejudice from unreasonable delay, and the limited force of the merits-based disposition policy outweighed the policy favoring adjudication on the merits; the availability of lesser sanctions was adequately considered.

KEY QUOTATIONS

“The public’s interest in expeditious resolution of litigation and the Court’s need to manage its docket weigh in favor of dismissal because the Court cannot effectively manage its docket, nor can the litigation be expeditiously resolved, as plaintiff failed to obey the May 19, 2025 screening order” (at 2)

“Plaintiff’s failure to comply with the screening order prevents prosecution and disposition of this action on its merits.” (at 3)

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought a civil rights action under 42 U.S.C. § 1983. The magistrate judge screened the complaint and determined that it failed to state any cognizable claim, then ordered plaintiff to amend, stand on the complaint, or voluntarily dismiss the action within thirty days. Plaintiff took none of those actions, did not seek an extension, and did not object to the subsequent recommendation of dismissal.

PROCEDURAL HISTORY

The magistrate judge screened the complaint and found that it failed to state a cognizable claim. Plaintiff was directed to file a first amended complaint, notify the court that he intended to stand on the complaint, or voluntarily dismiss the action, but he did none of those things and did not request an extension. The magistrate judge recommended dismissal without prejudice for failure to prosecute. After plaintiff failed to object, the district court conducted de novo review, adopted the findings and recommendation, dismissed the action without prejudice, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Malone v. U.S. Postal Serv., 833 F.2d 128, 133 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261-62 (9th Cir. 1992)
- Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976)
- In re Phenylpropanolamine (PPA) Products Liab. Litig., 460 F.3d 1217, 1228 (9th Cir. 2006)

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