

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hoffer v. Gamboa

Hoffer · No. 2:25-CV-1253-DMC-P · Decided July 16, 2025

SUMMARY

The United States District Court for the Eastern District of California considers a state prisoner’s habeas corpus petition under 28 U.S.C. § 2254. The magistrate judge recommends dismissal without prejudice for lack of prosecution and failure to comply with an order to resolve the filing-fee status, while directing random assignment of a district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 16, 2025
DOCKET	2:25-CV-1253-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. After the court ordered him to submit an in forma pauperis application or pay the filing fee and warned that noncompliance could result in dismissal, he failed to comply. The magistrate judge ordered random assignment of a district judge and recommended dismissal without prejudice.
STANDARD OF REVIEW	Dismissal as a sanction for failure to prosecute or comply with court rules and orders is evaluated under five factors: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to the opposing party, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unknown; findings and recommendations of a magistrate judge, not a final district court judgment, and no precedential designation appears.
PARTIES	Michael Hoffer v. Martin Gamboa

TOPICS

federal habeas corpus

post-conviction relief

sanctions

civil procedure

PRACTICE AREAS

Federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for lack of prosecution and failure to comply with the court's order to submit an in forma pauperis application or pay the filing fee.
2. Whether the five-factor dismissal framework supports dismissal as a sanction for Petitioner's noncompliance.

HOLDINGS

1. After weighing the applicable five factors, the court found that dismissal without prejudice was appropriate because Petitioner failed to resolve the fee status as directed and failed to comply with court rules and orders.

KEY QUOTATIONS

“A warning that the action may be dismissed as an appropriate sanction is considered a less drastic alternative sufficient to satisfy the last factor.” (at 1)

“These findings and recommendations are submitted to the United States District Judge assigned to the case”
(at 2)

FACTUAL BACKGROUND

Petitioner, a state prisoner proceeding pro se, filed a petition for federal habeas corpus relief. The court ordered him to submit either an application to proceed in forma pauperis or the full filing fee within 30 days. Although warned that failure to comply could result in dismissal, Petitioner had not resolved the fee status by the time of the order and findings and recommendations.

PROCEDURAL HISTORY

On May 8, 2025, the court directed Petitioner to submit a completed application to proceed in forma pauperis or pay the full filing fee within 30 days. Petitioner did neither despite being warned that noncompliance could result in dismissal. The magistrate judge recommended dismissal for lack of prosecution and failure to comply with court rules and orders, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)

- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

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