

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brown v. Sargent

No. 2:23-cv-1827-JDP (P) (E.D. Cal. Mar. 4, 2025) · No. 2:23-cv-1827-JDP (P) · Decided March 5, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered plaintiff Skyler R. Brown to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court orders. The order states that plaintiff must respond within twenty-one days and file an opposition or statement of non-opposition to defendant’s motion to compel and for sanctions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 5, 2025
DOCKET	2:23-cv-1827-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause after defendant moved to compel and for sanctions and plaintiff failed to file a response.
PRECEDENTIAL VALUE	Unknown; federal district court order

TOPICS

sanctions civil procedure

PRACTICE AREAS

civil procedure prisoner civil rights

QUESTIONS PRESENTED

- Whether plaintiff should be required to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court orders after failing to respond to defendant's motion.

HOLDINGS

1. A district court may impose sanctions, including dismissal, when a litigant fails to comply with court orders or local rules, subject to the court's consideration of the circumstances and the harshness of involuntary dismissal.

KEY QUOTATIONS

“Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties.” (1)

FACTUAL BACKGROUND

Defendant filed a motion to compel and for sanctions. Plaintiff failed to file an opposition or statement of non-opposition. The court concluded that plaintiff should be given an opportunity to explain the failure before the court recommends dismissal.

PROCEDURAL HISTORY

Defendant filed a motion to compel and for sanctions on January 30, 2025. Plaintiff did not respond. The court ordered plaintiff to show cause within twenty-one days why the action should not be dismissed for failure to prosecute and failure to comply with court orders, and directed plaintiff to file an opposition or statement of non-opposition if he wished to continue the action.

DISPOSITION

other

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 SKYLER R. BROWN, Case No. 2:23-cv-1827-JDP (P) 12 Plaintiff, 13 v.
ORDER TO SHOW CAUSE 14 S. SERGENT, 15 Defendant. 16 17 On January 30, 2025,
defendant filed a motion to compel and for sanctions. ECF No. 28. 18 To date, plaintiff has not
filed a response. 19 To manage its docket effectively, the court requires litigants to meet certain
deadlines.

20 The court may impose sanctions, including dismissing a case, for failure to comply with its
orders 21 or local rules. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon Pres. Council
v. U.S. 22 Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005); Carey v. King, 856 F.2d 1439, 1440-41

(9th Cir. 23 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer 24 justice expeditiously and avoid needless burden for the parties.

See Pagtalunan v. Galaza, 291 25 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 26 I will give plaintiff a chance to explain why the court should not dismiss the case for his 27 failure to file an opposition or statement of non-opposition to defendant's motion. Plaintiff's 28 failure to respond to this order will constitute a failure to comply with a court order and will result 1 | in arecommendation that this action be dismissed.

Accordingly, plaintiff is ordered to show 2 | cause within twenty-one days why this case should not be dismissed for failure to prosecute and 3 | failure to comply with court orders. Should plaintiff wish to continue with this lawsuit, he shall 4 | file, within twenty-one days, an opposition or statement of non-opposition to defendant's motion. 5 6 7 | ITIS SO ORDERED.

8 (_ Dated: _ March 4, 2025 q——? au D. PETERSON 10 UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28