

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Juan Jimenez v. B. Cates, et al.

Jimenez v. Cates · No. 1:23-cv-01376-CDB · Decided January 13, 2026

SUMMARY

The document is Findings and Recommendations issued in Juan Jimenez’s pro se civil rights action under 42 U.S.C. § 1983. The magistrate judge recommends dismissal without prejudice because Plaintiff failed to file an amended complaint or respond to an order to show cause, constituting failure to obey court orders and failure to prosecute. The court also orders the Clerk to randomly assign a district judge and provides a 14-day period for objections.

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	January 13, 2026
DOCKET	1:23-cv-01376-CDB
DISPOSITION	remanded
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a prisoner civil-rights action for failure to obey court orders and failure to prosecute.
STANDARD OF REVIEW	In deciding whether to dismiss for failure to prosecute or failure to obey court orders, the court weighs the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juan Jimenez v. B. Cates, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to obey the court's screening order and order to show cause.
2. Whether dismissal was appropriate under the Ninth Circuit's five-factor test governing dismissal for failure to prosecute and failure to comply with court orders.

HOLDINGS

1. Because Plaintiff failed to comply with the screening order and the order to show cause, failed to communicate with the court, and had received adequate warnings that noncompliance could result in dismissal, dismissal without prejudice was recommended.

KEY QUOTATIONS

“District courts have inherent power to control their dockets” (at 1)

“In determining whether to dismiss an action for lack of prosecution, the district court is required to weigh several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” (at 1)

“Failure to comply with this Order to Show Cause (OSC) will result in a recommendation that this action be dismissed without prejudice for Plaintiff’s failure to obey court orders and failure to prosecute.” (at 3)

FACTUAL BACKGROUND

Plaintiff's complaint was screened and found not to state a cognizable claim against any named defendant. Although Plaintiff was granted leave to amend or voluntarily dismiss within 21 days, he took no action. Plaintiff also failed to respond to a subsequent order to show cause warning that the action could be dismissed.

PROCEDURAL HISTORY

The court's First Screening Order found that Plaintiff's complaint failed to state a cognizable claim and gave him 21 days to file a first amended complaint or a notice of voluntary dismissal. After Plaintiff failed to respond, the court issued an order to show cause, but Plaintiff again failed to respond. The magistrate judge recommended dismissal without prejudice and directed that the matter be assigned to a district judge for review.

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand was ordered. The document recommends that a district judge dismiss the action without prejudice and provides a 14-day period for objections under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(b).

CASES CITED

- Thompson v. Housing Auth., City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130-31 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)