

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Antonio G. Robles v. Steven Johnson, et al.

Robles v. Johnson, No. 1:22-cv-00620-KES-CDB (PC) (E.D. Cal. Oct. 16, 2025) · No. 1:22-cv-00620-KES-CDB (PC) · Decided October 17, 2025

SUMMARY

These Findings and Recommendations address the dismissal of Antonio G. Robles’s pro se civil rights action for failure to obey court orders and failure to prosecute. The magistrate judge concludes that the relevant dismissal factors support dismissal without prejudice because Plaintiff did not file a required second amended complaint or notice of voluntary dismissal. The recommendations were issued with a 14-day period for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	October 17, 2025
DOCKET	1:22-cv-00620-KES-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a pro se prisoner civil-rights action for failure to obey court orders and failure to prosecute.
STANDARD OF REVIEW	The court weighed the five factors governing dismissal for failure to prosecute: 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PRECEDENTIAL VALUE	nonprecedential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	Antonio G. Robles v. Steven Johnson, et al.

TOPICS

- civil procedure
- sanctions
- section 1983
- civil rights

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to obey the court's order requiring a second amended complaint or notice of voluntary dismissal.
2. Whether dismissal for failure to prosecute was warranted under the applicable five-factor test.
3. Whether the court had adequately considered less drastic sanctions before recommending dismissal.

HOLDINGS

1. The court recommended dismissal without prejudice because Plaintiff failed to comply with the Second Screening Order and failed to prosecute the action.

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 2)

“this factor lends little support to a party whose responsibility it is to move a case toward disposition on the merits but whose conduct impedes progress in that direction.” (at 3)

“If Plaintiff fails to comply with this order, or the Court’s First Screening Order, the Court will recommend that this action be dismissed, without prejudice, for failure to obey a court order and for failure to prosecute.” (at 3)

FACTUAL BACKGROUND

Plaintiff proceeded pro se and in forma pauperis in a civil-rights action. After the court determined that his first amended complaint failed to state a claim, it ordered him to file either a curative second amended complaint or a notice of voluntary dismissal within 21 days and warned that failure to comply could lead to dismissal. Plaintiff took no action and did not otherwise communicate with the court.

PROCEDURAL HISTORY

The court's Second Screening Order found that Plaintiff's first amended complaint failed to state a claim and granted him one final opportunity to file a second amended complaint curing the identified deficiencies or to file a notice of voluntary dismissal within 21 days. Plaintiff filed neither document and otherwise ceased communicating with the court. The magistrate judge recommended dismissal without prejudice, subject to the parties' 14-day period for objections and review by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice and directed that the findings and recommendations be submitted to the assigned district judge for review after the 14-day objection period.

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, 1260-62 (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, 1228 (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)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

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