

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Oliver Thomas Miller v. Clark County

No. 2:25-cv-02009-APG-NJK, United States District Court for the District of Nevada (January 5, 2026)

SUMMARY

The United States District Court for the District of Nevada dismisses Oliver Thomas Miller’s 42 U.S.C. § 1983 action against Clark County without prejudice. The court finds that Miller failed to pay the civil filing fee or submit a complete application to proceed in forma pauperis by the court-ordered deadline, and denies his motion for appointment of counsel as moot.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 5, 2026
DOCKET	2:25-cv-02009-APG-NJK
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After the magistrate judge ordered him to pay the filing fee or file a complete application to proceed in forma pauperis and warned that noncompliance could result in dismissal, plaintiff failed to comply. The district court dismissed the action without prejudice and denied plaintiff's motion for appointment of counsel as moot.
STANDARD OF REVIEW	The court exercised its inherent power to manage its docket and evaluated dismissal for failure to obey a court order under the five-factor framework governing such dismissals.
PRECEDENTIAL VALUE	unknown
PARTIES	Oliver Thomas Miller v. Clark County

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights
- remedies

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Miller failed to comply with the magistrate judge's order to pay the filing fee or file a complete in forma pauperis application.
2. Whether Miller's motion for appointment of counsel remained viable after dismissal of the action.

HOLDINGS

1. The action should be dismissed without prejudice because Miller failed to pay the \$405 filing fee or file a complete in forma pauperis application by the court-ordered deadline.
2. Miller's motion for appointment of counsel was denied as moot because the action was dismissed.

KEY QUOTATIONS

“In the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” (at 1)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 2)

FACTUAL BACKGROUND

Miller filed a § 1983 civil-rights action alleging constitutional violations suffered while he was incarcerated at the Clark County Detention Center. The magistrate judge ordered him to pay the \$405 civil filing fee or file a complete in forma pauperis application by December 22, 2025, and warned that failure to comply could result in dismissal. The deadline passed without payment or a complete application.

PROCEDURAL HISTORY

On October 27, 2025, the magistrate judge ordered Miller to pay the \$405 filing fee or submit a complete in forma pauperis application by December 22, 2025. Miller did neither, and the district court applied the Ninth Circuit's dismissal factors for failure to obey a court order. The court dismissed the action without prejudice, directed the Clerk to enter judgment and close the case, and denied the motion for appointment of counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)

- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

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