

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Travis Smith v. Sacramento County, et al.

Smith v. Sacramento County · No. 2:23-cv-2919-JDP (P) · Decided March 4, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Travis Smith’s action against Sacramento County and related defendants without prejudice for failure to prosecute and failure to comply with court orders. The recommendation follows plaintiff’s failure to oppose or respond to defendants’ motion to dismiss and to comply with an order to show cause. The court also recommends denying the motion to dismiss as moot and closing the case.

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 4, 2025
DOCKET	2:23-cv-2919-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss. Plaintiff failed to oppose the motion and failed to comply with a subsequent order to show cause and directive to file an opposition or statement of non-opposition. The magistrate judge issued findings and recommendations that the action be dismissed without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	The court balanced the five factors governing dismissal for failure to prosecute or failure to comply with court orders: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; not a final district court judgment in the opinion text.

TOPICS

sanctions

civil procedure

motions to dismiss

section 1983

prisoners rights

PRACTICE AREAS

Civil procedure

Civil rights

Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute.
2. Whether the action should be dismissed for plaintiff's failure to comply with the court's order.
3. Whether defendants' pending motion to dismiss should be denied as moot following the recommended dismissal.

HOLDINGS

1. A court may dismiss an action when a plaintiff fails to prosecute, fails to obey a court order, or fails to comply with local rules, and the applicable factors supported dismissal without prejudice here.
2. Defendants' motion to dismiss should be denied as moot because the action should instead be dismissed without prejudice for plaintiff's noncompliance.

KEY QUOTATIONS

"The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal." (at 1)

"In recommending that this action be dismissed for failure to prosecute and failure to comply with court orders, I have considered "(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 alternatives."" (at 2)

"Accordingly, I find that the balance of factors weighs in favor of dismissal." (at 2)

FACTUAL BACKGROUND

Defendants filed a motion to dismiss, but plaintiff did not timely file an opposition or statement of non-opposition. The court then ordered plaintiff to show cause and respond to the motion within twenty-one days, warning that failure to comply would result in dismissal. Plaintiff failed to respond to both the motion and the order.

PROCEDURAL HISTORY

Defendants filed a motion to dismiss on December 6, 2024. After plaintiff failed to respond, the court ordered him on January 30, 2025, to show cause and file an opposition or statement of non-opposition within twenty-one days, expressly warning that noncompliance could result in dismissal. Plaintiff did not respond, and the magistrate judge recommended dismissal without prejudice, denial of the motion to dismiss as moot, and closure of the case, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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