

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jeremy Xavier Sanchez v. Kern County Sheriff's Department

Sanchez v. Kern County Sheriff's Department · No. 1:25-cv-01158-BAM (PC) · Decided October 28, 2025

SUMMARY

The document contains findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The magistrate judge recommends dismissal without prejudice for failure to obey an order requiring submission of a certified inmate trust account statement or payment of the filing fee, and for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 28, 2025
DOCKET	1:25-cv-01158-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A county jail inmate proceeding pro se filed a 42 U.S.C. § 1983 action and an incomplete application to proceed in forma pauperis. After the court ordered him to submit a certified six-month inmate trust account statement or pay the filing fee, he failed to comply. The magistrate judge issued findings and recommendations to dismiss the action without prejudice and directed the clerk to randomly assign a district judge.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal for failure to prosecute or failure to obey a court order: 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PRECEDENTIAL VALUE	nonprecedential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	Jeremy Xavier Sanchez v. Kern County Sheriff's Department

TOPICS

sanctions

civil procedure

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

federal courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to obey the court's order requiring submission of a certified inmate trust account statement or payment of the filing fee.
2. Whether dismissal without prejudice is warranted for failure to prosecute under the applicable Ninth Circuit factors.

HOLDINGS

1. A district court may dismiss an action as a sanction for failure to prosecute, failure to obey a court order, or failure to comply with local rules, pursuant to its inherent docket-management power and Local Rule 110.
2. The five Ninth Circuit dismissal factors support recommending dismissal without prejudice because Plaintiff failed to comply with the court's order and ceased litigating the action after receiving an explicit dismissal warning.

KEY QUOTATIONS

"District courts have the inherent power to control their dockets and "[i]n the exercise of that power they may impose sanctions including, where appropriate, . . . dismissal."" (at 2)

"In determining whether to dismiss an action, the Court must consider 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 3)

"Finally, the Court's warning to a party that failure to obey the court's order will result in dismissal satisfies the "considerations of the alternatives" requirement." (at 4)

FACTUAL BACKGROUND

Plaintiff, a county jail inmate, filed a pro se civil-rights action under 42 U.S.C. § 1983 and sought to proceed in forma pauperis. His application lacked a certified copy of his six-month inmate trust account statement and the required institutional certification. Although the court ordered him to provide the statement or pay the \$405 filing fee and warned that noncompliance could lead to dismissal, Plaintiff did neither by the deadline.

PROCEDURAL HISTORY

Plaintiff initiated the action on September 8, 2025, with an application to proceed in forma pauperis. On September 10, 2025, the court found the application incomplete and ordered Plaintiff to submit a certified trust account statement or pay the \$405 filing fee within thirty days, warning that noncompliance could result in

dismissal. Plaintiff did neither, so the magistrate judge recommended dismissal without prejudice for failure to obey a court order and failure to prosecute, subject to objections and review by an assigned district judge.

DISPOSITION

other

CASES CITED

- Thompson v. Hous. Auth., 782 F.2d 829, 831 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53–54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61, 1262 (9th Cir. 1992)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130–33, 132–33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423–24 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- 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) Prods. Liab. Litig., 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JEREMY XAVIER SANCHEZ, Case No. 1:25-cv-01158-BAM (PC) 12
Plaintiff, ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN DISTRICT
JUDGE 13 v. FINDINGS AND RECOMMENDATIONS TO 14 KERN COUNTY SHERIFF’S
DISMISS ACTION WITHOUT PREJUDICE DEPARTMENT, FOR FAILURE TO OBEY
COURT ORDER 15 AND FOR FAILURE TO PROSECUTE Defendant.

16 (ECF No. 4) 17 I. Background 18 Plaintiff Jeremy Xavier Sanchez (“Plaintiff”) is a county jail
inmate proceeding pro se in 19 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff
initiated this action on September 20 8, 2025, together with a motion to proceed in forma pauperis.
(ECF Nos. 1, 2.) 21 On September 10, 2025, the Court determined that Plaintiff’s application to
proceed in 22 forma pauperis was incomplete because Plaintiff failed to submit a certified copy of
his trust 23 account statement and did not have an authorized officer from his institution of
incarceration 24 complete the certificate portion of the form.

(ECF No. 4.) The Court therefore ordered Plaintiff to 25 file a certified copy of his inmate trust
account statement for the past six months or, in the 26 alternative, pay the \$405.00 filing fee for
this action within thirty days of service. (Id. at 1.)

The 27 Court warned Plaintiff that the failure to comply with the order would result in dismissal of this 28 action without prejudice. (Id. at 2.) Plaintiff has failed to file a certified copy of his inmate trust 1 account statement or pay the filing fee, and the deadline in which to do so has passed. 2 II. Failure to Prosecute and Failure to Obey a Court Order 3 A. Legal Standard 4 Local Rule 110 provides that “[f]ailure... of a party to comply with these Rules or with 5 any order of the Court may be grounds for imposition by the Court of any and all sanctions...

6 within the inherent power of the Court.” District courts have the inherent power to control their 7 dockets and “[i]n the exercise of that power they may impose sanctions including, where 8 appropriate,... dismissal.” *Thompson v. Hous. Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A 9 court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, 10 failure to obey a court order, or failure to comply with local rules.

See, e.g., *Ghazali v. Moran*, 46 11 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 12 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring 13 amendment of complaint); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130–33 (9th Cir. 1987) 14 (dismissal for failure to comply with court order).

15 In determining whether to dismiss an action, the Court must consider several factors: (1) 16 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 17 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 18 cases on their merits; and (5) the availability of less drastic sanctions.

Henderson v. Duncan, 779 19 F.2d 1421, 1423 (9th Cir. 1986); *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). 20 B. Discussion 21 Here, Plaintiff’s trust account statement or payment of the filing fee is overdue, and he has 22 failed to comply with the Court’s order.

The Court cannot effectively manage its docket if 23 Plaintiff ceases litigating his case. Thus, the Court finds that both the first and second factors 24 weigh in favor of dismissal. 25 The third factor, risk of prejudice to defendant, also weighs in favor of dismissal, since a 26 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action.

27 *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor usually weighs against 28 dismissal because public policy favors disposition on the merits. *Pagtalunan v. Galaza*, 291 F.3d 1 639, 643 (9th Cir. 2002).

However, “this factor lends little support to a party whose 2 responsibility it is to move a case toward disposition on the merits but whose conduct impedes 3 progress in that direction,” which is the case here. In *re Phenylpropanolamine (PPA) Products* 4 *Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006) (citation omitted). 5 Finally, the Court’s warning to a party that failure to obey the court’s order will result in 6 dismissal satisfies the “considerations of the alternatives” requirement.

Ferdik, 963 F.2d at 1262; 7 Malone, 833 at 132–33; Henderson, 779 F.2d at 1424. The Court’s order issued on September 8 10, 2025, warned Plaintiff that his failure to file a certified copy of his trust account statement or 9 to pay the filing fee would result in dismissal of this action. (ECF No. 4 at 2.)

Thus, Plaintiff had 10 adequate warning that dismissal could result from his noncompliance. 11 Additionally, at this stage in the proceedings there is little available to the Court that 12 would constitute a satisfactory lesser sanction while protecting the Court from further 13 unnecessary expenditure of its scarce resources.

As Plaintiff has applied to proceed in forma 14 pauperis and has failed to pay the filing fee, monetary sanctions likely would be of little use. 15 Further, the preclusion of evidence or witnesses is likely to have no effect given that Plaintiff has 16 ceased litigating his case. 17 III. Conclusion and Recommendation 18 Accordingly, the Clerk of the Court is HEREBY DIRECTED to randomly assign a 19 District Judge to this action.

20 Further, the Court finds that dismissal is the appropriate sanction and HEREBY 21 RECOMMENDS that this action be dismissed, without prejudice, for failure to obey a court order 22 and for Plaintiff’s failure to prosecute this action. 23 These Findings and Recommendation will be submitted to the United States District Judge 24 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).

Within fourteen 25 (14) days after being served with these Findings and Recommendation, Plaintiff may file written 26 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s 27 Findings and Recommendation.” Objections, if any, shall not exceed fifteen (15) pages or 28 include exhibits. Exhibits may be referenced by document and page number if already in 1 the record before the Court.

Any pages filed in excess of the 15-page limit may not be 2 considered. Plaintiff is advised that failure to file objections within the specified time may result 3 in the waiver of the “right to challenge the magistrate’s factual findings” on appeal. Wilkerson v. 4 Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 5 (9th Cir.

1991)). 6 IT IS SO ORDERED. 7 8 Dated: October 27, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28