

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Marco Wayne Hall v. LaSalle Corrections West, LLC, et al.

Hall · No. CV-24-02107-PHX-SMM (MTM) · Decided January 14, 2026

SUMMARY

The court recommends dismissing Plaintiff Marco Wayne Hall’s claims against Doe Defendants 1–6 without prejudice under Federal Rule of Civil Procedure 41(b). The recommendation is based on Plaintiff’s failure to comply with orders requiring him to identify the Doe Defendants and respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 14, 2026
DOCKET	CV-24-02107-PHX-SMM (MTM)
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendation recommending dismissal without prejudice of Plaintiff's claims against Defendants Does 1-6 for failure to comply with court orders and failure to prosecute.
STANDARD OF REVIEW	The Court applied the five-factor Ninth Circuit test for dismissal for failure to prosecute, weighing the public interest in expeditious resolution, docket management, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Marco Wayne Hall v. LaSalle Corrections West, LLC, Defendants Does 1-6

TOPICS

- sanctions
- civil procedure
- civil rights
- prisoners rights
- pleadings

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's claims against Defendants Does 1-6 should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders and failure to prosecute.
2. Whether dismissal with prejudice would be warranted after Plaintiff failed to identify and substitute the Doe Defendants.

HOLDINGS

1. The Court recommended dismissal without prejudice of Plaintiff's claims against Defendants Does 1-6 under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to identify and substitute the Doe Defendants and failed to respond to the order to show cause.
2. Dismissal with prejudice would be unnecessarily harsh under the circumstances; the recommended dismissal should be without prejudice.

KEY QUOTATIONS

“In Link v. Wabash Railroad Co., 370 U.S. 626, 629-31 (1962), the Supreme Court recognized that a federal district court has the inherent power to dismiss a case sua sponte for failure to prosecute.” (Section III)

“In determining whether Plaintiff’s failure to prosecute warrants dismissal of the case, the Court must weigh the following five 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.”” (Section III)

FACTUAL BACKGROUND

Marco Wayne Hall, proceeding pro se and in forma pauperis, filed a civil-rights action concerning events that occurred while he was confined at the San Luis Regional Detention Center. His Second Amended Complaint named Defendants Does 1-6, and the Court gave him 120 days to discover their identities and file a notice of substitution. He failed to do so and also failed to respond to an order to show cause why the claims against the Doe Defendants should not be dismissed.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights Second Amended Complaint concerning events at the San Luis Regional Detention Center. After screening, the Court ordered Plaintiff to identify and substitute the Doe Defendants within 120 days. Plaintiff failed to file the required notice of substitution and did not respond to an order to show cause, prompting this Report and Recommendation.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 629-31, 633 (1962)

- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Wanderer v. Johnson, 910 F.2d 652, 656 (9th Cir. 1990)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

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