

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Ronald Dean Yandell v. G. Newsome, et al.

No. 2:25-CV-1049-DMC-P · No. No. 2:25-CV-1049-DMC-P · Decided June 9, 2025

OPINION

(PC) Yandell v. Newsome

PER CURIAM.

1 2 3 4 5 6 7

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 RONALD DEAN YANDELL, No. 2:25-CV-1049-DMC-P

12 Plaintiff, 13 v. ORDER 14 G. NEWSOME, et al., and 15 Defendants. FINDINGS AND
RECOMMENDATIONS 16 17 Plaintiff, a prisoner proceeding pro se, brings this civil rights
action pursuant to 18 42 U.S.C. § 1983. 19 On April 25, 2025, the Court directed Plaintiff to
resolve the fee status for this case 20 within 30 days. Plaintiff was warned that failure to resolve
the fee status may result in dismissal 21 of this action for lack of prosecution and failure to
comply with court rules and orders. See Local
22 Rule 110. To date, Plaintiff has not complied.

23 The Court must weigh five factors before imposing the harsh sanction of dismissal. 24 See
Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v. U.S. Postal 25
Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in 26
expeditious resolution of litigation; (2) the Court's need to manage its own docket; (3) the risk of
27 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their
merits; 28 and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran, 46
F.3d 52, 1 |} 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an
appropriate 2 || sanction is considered a less drastic alternative sufficient to satisfy the last factor.
See Malone, 3 | 833 F.2d at 132-33 &n.1. The sanction of dismissal for lack of prosecution is
appropriate where 4 || there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d
1421, 1423 (9th Cir. 5 || 1986). Dismissal has also been held to be an appropriate sanction for
failure to comply with an 6 || order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d
1258, 1260-61 (9th Cir. 7 | 1992). 8 Having considered these factors, and in light of Plaintiffs
failure to resolve the fee 9 || status for this case as directed, the Court finds that dismissal of this
action is appropriate. 10 Based on the foregoing, the undersigned recommends orders and
recommends as 11 | follows: 12 1. It is ORDERED that the Clerk of the Court is directed to

randomly assign a 13 || District Judge to this case. 14 2. It is RECOMMENDED that this action be
dismissed, without prejudice, 15 | for lack of prosecution and failure to comply with court rules
and orders. 16 These findings and recommendations are submitted to the United States District 17
|| Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days
18 || after being served with these findings and recommendations, any party may file written 19 ||
objections with the court. Responses to objections shall be filed within 14 days after service of 20
|| objections. Failure to file objections within the specified time may waive the right to appeal. See
21 | Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 22 23 | Dated: June 5, 2025 Co
24 DENNIS M. COTA
25 UNITED STATES MAGISTRATE JUDGE
26 27 28