

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Christian Lopez v. CDCR, et al.

Lopez v. CDCR · No. 1:24-cv-00729-KES-SAB (PC) · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations dismissing the unidentified Doe defendant without prejudice. The court dismissed the action without prejudice because plaintiff failed to prosecute the case, failed to obey court orders, and did not provide sufficient information to identify and serve the Doe defendant. The Clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 1, 2025
DOCKET	1:24-cv-00729-KES-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted a de novo review of a magistrate judge's findings and recommendations recommending dismissal of the Doe defendant and adopted those findings and recommendations in full.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.

TOPICS

- civil procedure
- sanctions
- service of process
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the Doe defendant without prejudice because plaintiff failed to provide accurate and sufficient information to effect service within the time prescribed by Federal Rule of Civil Procedure 4(m).
2. Whether dismissal without prejudice was warranted as a sanction for plaintiff's failure to prosecute and failure to obey court orders.

HOLDINGS

1. The Doe defendant was properly dismissed without prejudice because plaintiff failed to provide accurate and sufficient information to effect service within the period prescribed by Federal Rule of Civil Procedure 4(m), despite repeated opportunities to identify and substitute the defendant.
2. Dismissal without prejudice was warranted because plaintiff failed to prosecute the action and failed to obey multiple court orders, leaving no remaining defendant and no satisfactory lesser sanction available.

KEY QUOTATIONS

“In determining whether to dismiss an action as a sanction, the relevant considerations are: “(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.””

“Accordingly, dismissal of this action is also warranted due to plaintiff’s failure to prosecute and failure to obey court orders.”

FACTUAL BACKGROUND

The magistrate judge found that plaintiff's second amended complaint stated a cognizable deliberate-indifference-to-safety claim against an unknown defendant at the Substance Abuse Treatment Facility and State Prison, Corcoran. Plaintiff was authorized to subpoena records to identify the Doe defendant, but after a subpoena contained an incorrect date and the response deadline passed, he did not request that the subpoena be reissued or otherwise take sufficient steps to effect service. Plaintiff also failed to respond to multiple orders requiring substitution of the Doe defendant, a status report, or an explanation why the action should not be dismissed.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis under 42 U.S.C. § 1983, was permitted to subpoena records to identify an unknown defendant and was given multiple opportunities to move to substitute a named defendant or report on the subpoena. Plaintiff did not timely pursue substitution, did not respond to successive court orders to show cause, and did not object to the magistrate judge's findings and recommendations. The district court dismissed the Doe defendant and the action without prejudice for failure to prosecute, failure to obey court orders, and lack of a remaining defendant.

DISPOSITION

dismissed

CASES CITED

- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261-1262 (9th Cir. 1992)
- Anderson v. Air West, Inc., 542 F.2d 522, 524 (9th Cir. 1976)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006)
- Gaston v. Marean, 2020 WL 4059200, at *3 (E.D. Cal. July 20, 2020)

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