

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alana Dunn v. Quality Furniture

Dunn v. Quality Furniture · No. 1:25-cv-00912-JLT-BAM · Decided September 19, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge recommending dismissal without prejudice of Alana Dunn’s action against Quality Furniture. The recommendation is based on Dunn’s failure to pay the filing fee, submit a proper in forma pauperis application, comply with a court order, and prosecute the action.

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	September 19, 2025
DOCKET	1:25-cv-00912-JLT-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice for failure to obey a court order, failure to pay the filing fee or submit a proper in forma pauperis application, and failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey a court order, or failure to comply with local rules is evaluated under the Ninth Circuit's five-factor framework: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished, nonprecedential findings and recommendations; subject to adoption or rejection by the assigned district judge.

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to obey the court's order requiring payment of the filing fee or submission of a proper in forma pauperis application.
2. Whether Plaintiff's failure to comply with the court's order and failure to prosecute warranted dismissal under the court's inherent docket-management authority and applicable local rules.

HOLDINGS

1. A district court may dismiss an action, including without prejudice, when a party fails to prosecute, obey a court order, or comply with applicable local rules, pursuant to the court's inherent authority to control its docket and Local Rule 110.
2. A civil action may not proceed unless the plaintiff submits the filing fee or a proper application to proceed in forma pauperis.

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.”” (1)

“Accordingly, the Court HEREBY RECOMMENDS that this action be DISMISSED, without prejudice, for Plaintiff’s failure to comply with the Court’s order, failure to pay the filing fee or submit the proper applications to proceed in forma pauperis and failure to prosecute this action.” (2)

FACTUAL BACKGROUND

Alana Dunn filed the action without paying the filing fee and submitted an application to proceed in forma pauperis. The court ordered her to submit a long-form in forma pauperis application or pay the \$405 filing fee within twenty-one days, expressly warning that failure to comply could lead to dismissal. More than twenty-one days passed without payment, a proper application, or any other compliance with the order.

PROCEDURAL HISTORY

Plaintiff filed the action on July 25, 2025, without paying the filing fee, and submitted an application to proceed in forma pauperis. On July 29, 2025, the court ordered Plaintiff to submit a long-form in forma pauperis application or pay the \$405 filing fee within twenty-one days and warned that noncompliance could result in dismissal. Plaintiff did neither, and the magistrate judge recommended dismissal without prejudice, subject to the parties' fourteen-day period to file objections and review by the 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 (9th Cir. 1992)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 9 10 UNITED STATES DISTRICT COURT 11 FOR THE EASTERN DISTRICT
OF CALIFORNIA 12 13 ALANA DUNN, Case No. 1:25-cv-00912-JLT-BAM 14 Plaintiff,
FINDINGS AND RECOMMENDATIONS REGARDING DISMISSAL OF ACTION 15 v. FOR
FAILURE TO OBEY A COURT ORDER 16 QUALITY FURNITURE, (Doc. 2) 17 Defendant.
FOURTEEN-DAY DEADLINE 18 19 20 FINDINGS AND RECOMMENDATIONS 21 I.
Background 22 Plaintiff Alana Dunn, proceeding pro se, filed the instant action on July 25, 2025.

(Doc. 23 1.) Plaintiff did not pay the filing fee and instead filed an application to proceed in forma
24 pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. (Doc. 2). On July 29, 2025, Plaintiff was
ordered 25 to either submit a long form IFP application or pay the \$405.00 filing fee within
twenty-one (21) 26 days of the Court’s order. (Doc. 3). Plaintiff was warned that failure to comply
with the Court’s 27 order would result in a recommendation for dismissal of this action.

(Id.) Twenty-one days have 28 passed since service of the Court’s order and Plaintiff has not filed
the proper IFP application, 1 paid the filing fee, or otherwise complied with the Court’s order. 2 II.
Discussion 3 Local Rule 110 provides that “[f]ailure... of a party to comply with these Rules or
with 4 any order of the Court may be grounds for imposition by the Court of any and all
sanctions...

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

See, e.g., Ghazali v. Moran, 46 10 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance
with local rule); Ferdik v. Bonzelet, 11 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for
failure to comply with an order requiring 12 amendment of complaint); Malone v. U.S. Postal
Serv., 833 F.2d 128, 130–33 (9th Cir. 1987) 13 (dismissal for failure to comply with court order).

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

Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986); see also In re Phenylpropanolamine (PPA) Products Liability 19 Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006) (standards governing dismissal for failure to 20 comply with court orders). These factors guide a court in deciding what to do and are not 21 conditions that must be met in order for a court to take action.

Id. (citation omitted). 22 A civil action may not proceed absent the submission of either the filing fee or an 23 application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. As Plaintiff has failed to pay 24 the filing fee, file the proper application to proceed in forma pauperis or otherwise responded to 25 the Court's order, the Court is left with no alternative but to dismiss this action.

This action can 26 proceed no further without Plaintiff's cooperation and compliance with the Court's order. 27 Moreover, the matter cannot simply remain idle on the Court's docket, unprosecuted, awaiting 28 Plaintiff's compliance. 1 III. Conclusion and Recommendation 2 Accordingly, the Court HEREBY RECOMMENDS that this action be DISMISSED, 3 without prejudice, for Plaintiff's failure to comply with the Court's order, failure to pay the filing 4 fee or submit the proper applications to proceed in forma pauperis and failure to prosecute this 5 action.

6 These Findings and Recommendations will be submitted to the United States District 7 Judge assigned to the case, as required by 28 U.S.C. § 636(b)(1). Within fourteen (14) days after 8 being served with these findings and recommendations, Plaintiffs may file written objections with 9 the Court.

The document should be captioned "Objections to Magistrate Judge's Findings and 10 Recommendations." Plaintiffs are advised that the failure to file objections within the specified 11 time may result in the waiver of the "right to challenge the magistrate's factual findings" on 12 appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir.

1991)). 14 IT IS SO ORDERED. 15 16 Dated: September 19, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28