

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.

OPINION

Dunn

PER CURIAM.

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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 18 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 13 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

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