

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PRECEDENTIAL VALUE	Unpublished, nonprecedential findings and recommendations; subject to adoption or rejection by the assigned district judge.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)

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