

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Gabriel Pies Lonsdale v. Abalos, et al.

Lonsdale · No. 25-cv-1583-BAS-SBC · Decided November 13, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Gabriel Pies Lonsdale’s pro se 42 U.S.C. § 1983 action without prejudice. The court found that the Complaint failed to state a claim and dismissed the action also for failure to prosecute after Plaintiff failed to file an amended complaint by the court-ordered deadline.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 13, 2025
DOCKET	25-cv-1583-BAS-SBC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action under 42 U.S.C. § 1983 dismissed at the screening stage after the plaintiff failed to amend his complaint as ordered.
STANDARD OF REVIEW	Sua sponte screening under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), including dismissal of a prisoner complaint that is frivolous, malicious, fails to state a claim, or seeks damages from an immune defendant.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.
PARTIES	Gabriel Pies Lonsdale v. Abalos, et al.

TOPICS

- prisoners rights
- section 1983
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1).
2. Whether the action should be dismissed for failure to prosecute after plaintiff failed to file an amended complaint as ordered.

HOLDINGS

1. The action was properly dismissed without prejudice because the complaint failed to state a claim upon which relief could be granted under the prisoner-screening statutes.
2. The action was properly dismissed without prejudice for failure to prosecute because plaintiff failed to comply with the court's order requiring him to file an amended complaint.

KEY QUOTATIONS

“Accordingly, the Court DISMISSES this action without prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. 1915(e)(2)(B)(i1) & 1915A(b)(1), and for failure to prosecute.”
(at 2)

FACTUAL BACKGROUND

Plaintiff was an inmate at the San Diego Central Jail proceeding pro se. He alleged that his pinky finger was scratched when a pen was taken from his hand, that assigned counsel failed to deliver his motions to court, and that officers yelled at him. After the court identified pleading deficiencies and granted leave to amend, plaintiff filed no amended complaint and did not contact the court.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint and a motion to proceed in forma pauperis on June 16, 2025. The court granted in forma pauperis status, screened the complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A(b), found that it failed to state a claim, and granted leave to amend by September 25, 2025. Plaintiff did not file an amended complaint or contact the court, so the court dismissed the action without prejudice for failure to state a claim and failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

OPINION

Lonsdale

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 GABRIEL PIES LONSDALE, Case No.: 25-cv-1583-BAS-SBC Booking #25707540, 12

ORDER DISMISSING ACTION FOR

Plaintiff,

13 FAILURE TO STATE A CLAIM

vs. AND FAILURE TO PROSECUTE

14 ABALOS, et al., 15 Defendants. 16 17 18 19 On June 16, 2025, Plaintiff Gabriel Pies Lonsdale, an inmate confined at the San 20 Diego Central Jail proceeding pro se, filed a civil rights Complaint pursuant to 42 U.S.C. 21 § 1983, accompanied by a Motion to Proceed In Forma Pauperis (“IFP”). (ECF Nos. 1, 2.) 22 Plaintiff alleged that his pinky finger was scratched when a pen was taken from his hand, 23 that his assigned counsel did not drop off his motions at court, and that he was yelled at by 24 officers. (ECF No. 1 at 4-6.) 25 On August 11, 2025, the Court granted Plaintiff leave to proceed IFP and screened 26 the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) & 1915A(b), which require sua sponte 27 dismissal of a prisoner’s IFP complaint, or any portion of it, which is frivolous, malicious, 28 fails to state a claim, or seeks damages from defendants who are immune. (ECF No. 3.) 1 Court found the Complaint failed to state a claim, notified Plaintiff of the pleading 2 || deficiencies, and granted leave to amend on or before September 25, 2025. (Ud. at 4-7.) 3 || Plaintiff was also informed that if he failed to file an amended complaint within the time 4 || provided the Court would enter a final Order dismissing this civil action based both on 5 || Plaintiff’s failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. 6 1915(e)(2)(B)Gn & 1915A(b)(1), and failure to prosecute in compliance with a court 7 || order requiring amendment. (/d. at 7-8, citing *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th 8 || Cir. 2005) (“If a plaintiff does not take advantage of the opportunity to fix his complaint, 9 district court may convert the dismissal of the complaint into dismissal of the entire 10 || action.”))) 11 As of the date of this Order Plaintiff has not filed an amended complaint, nor has he 12 contacted the Court. Accordingly, the Court DISMISSES this action without prejudice for 13 || failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. 14 1915(e)(2)(B)(i1) & 1915A(b)(1), and for failure to prosecute. The Clerk of Court shall 15 enter final judgment accordingly and close the file. 16 IT IS SO ORDERED. 17 . 18 || DATED: November 13, 2025 i A (Dipharb 19 HÇn. Cynthia Bashant, Chief Judge United States District Court 20 21 22 23 24 25 26 27 28 2 ee