

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

William Anthony Bond v. Sacramento County

Bond · No. 2:24-cv-1598-JDP (P) · Decided March 24, 2025

SUMMARY

The court recommends dismissing William Anthony Bond’s habeas action without prejudice because he failed to state a claim, failed to prosecute, and failed to comply with orders directing him to file an amended petition and respond to an order to show cause. The document also orders random assignment of a district judge and advises the parties of the deadline for filing objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 24, 2025
DOCKET	2:24-cv-1598-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge in a state habeas corpus action recommending dismissal without prejudice for failure to state a claim, failure to prosecute, and failure to comply with court orders.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey court orders, or failure to comply with local rules is reviewed under the court's consideration of the public interest in expeditious resolution, the court's need to manage its docket, prejudice to the opposing party, the policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	William Anthony Bond v. Sacramento County

TOPICS

federal habeas corpus

sanctions

civil procedure

post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because petitioner failed to state a claim, failed to prosecute, and failed to comply with court orders.
2. Whether the factors governing dismissal for failure to prosecute and noncompliance with court orders supported the recommended sanction of dismissal.

HOLDINGS

1. Dismissal without prejudice was warranted because petitioner failed to file an amended petition, failed to respond to the order to show cause, and had been warned that noncompliance could result in dismissal.

KEY QUOTATIONS

“A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.” (at 1)

“Lastly, my warning to petitioner that failure to obey court orders will result in dismissal satisfies the “considerations of the alternatives” requirement.” (at 2)

FACTUAL BACKGROUND

The court determined that petitioner's habeas petition failed to state a claim and ordered him to file an amended petition within thirty days. Petitioner did not timely file an amended petition and did not respond to a subsequent order to show cause. The court had expressly warned that failure to comply with its orders could result in dismissal.

PROCEDURAL HISTORY

The court screened the petition on November 14, 2024, found that it failed to state a claim, and granted petitioner thirty days to file an amended petition. After petitioner failed to do so, the court issued an order to show cause on February 12, 2025, warning that the action could be dismissed for failure to state a claim, failure to prosecute, and failure to comply with court orders. Petitioner did not respond, and the magistrate judge recommended dismissal without prejudice and closure of the case, subject to review by an assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 WILLIAM ANTHONY BOND, Case No. 2:24-cv-1598-JDP (P) 12
Petitioner, 13 v. ORDER; FINDINGS AND RECOMMENDATIONS 14 SACRAMENTO
COUNTY, 15 Respondent. 16 17 On November 14, 2024, the court screened the petition and
found that it failed to state a 18 claim.

The court granted petitioner thirty days to file an amended petition. ECF No. 6. 19 Petitioner did
not timely file an amended petition, therefore, on February 12, 2025, the court 20 ordered
petitioner to show cause why this action should not be dismissed for his failure to state a 21 claim,
failure to prosecute, and failure to comply with court orders. ECF No. 7.

Petitioner has 22 not responded to the order to show cause, and the time to do so has passed.
Accordingly, 23 dismissal of the action is warranted. 24 The court has the inherent power to
control its docket and may, in the exercise of that 25 power, impose sanctions where appropriate,
including dismissal. *Bautista v. Los Angeles Cnty.*, 26 216 F.3d 837, 841 (9th Cir.

2000); see Local Rule 110 (“Failure of counsel or of a party to 27 comply with these Rules or with
any order of the Court may be grounds for imposition by the 28 Court of any and all sanctions...
within the inherent power of the Court.”). 1 A court may dismiss an action based on a party’s
failure to prosecute an action, failure to 2 obey a court order, or failure to comply with local rules.

See *Ghazali v. Moran*, 46 F.3d 52, 53-54 3 (9th Cir. 1995) (dismissal for noncompliance with local
rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 4 1260-61 (9th Cir. 1992) (dismissal for failure to comply
with an order to file an amended 5 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.
1988) (dismissal for failure to 6 comply with local rule requiring pro se plaintiffs to keep court
apprised of address); *Malone v. 7 U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court 8 order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of 9 prosecution and failure to comply with local rules).
10 In recommending that this action be dismissed for failure to comply with court orders, I 11

have considered “(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 alternatives.” 14 *Ferdik*, 963 F.2d at 1260-61 (citation omitted).

15 Here, petitioner has failed to respond to court orders directing him to file an amended 16 petition. See ECF Nos. 6 & 7. Therefore, the public interest in expeditious resolution of 17 litigation, the court’s need to manage its docket, and the risk of prejudice to the respondent all 18 support imposition of the sanction of dismissal. Lastly, my warning to petitioner that failure to 19 obey court orders will result in dismissal satisfies the “considerations of the alternatives” 20 requirement.

Ferdik, 963 F.2d at 1262; *Malone*, 833 at 132-33; *Henderson*, 779 F.2d at 1424. 21 Specifically, the February 12 order expressly warned petitioner that his failure to comply with 22 court orders would result in dismissal. ECF No. 7. Petitioner had adequate warning that 23 dismissal could result from his noncompliance.

Accordingly, I find that the balance of factors 24 weighs in favor of dismissal. 25 Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district 26 judge to this matter. 27 Further, it is hereby RECOMMENDED that: 28 1. This action be DISMISSED without prejudice for failure to state a claim, failure to 1 | prosecute, and failure to comply with court orders for the reasons set forth in the November 14, 2 | 2024 order.

3 2. The Clerk of Court be directed to close the case. 4 These findings and recommendations are submitted to the United States District Judge 5 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 6 | service of these findings and recommendations, any party may file written objections with the 7 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 8 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 9 | within fourteen days of service of the objections. The parties are advised that failure to file 10 | objections within the specified time may waive the right to appeal the District Court’s order. See 11 | *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 12 1991). 13 4 IT IS SO ORDERED. 15 (1 Ow — Dated: _ March 21, 2025 q—— 16 JEREMY D. PETERSON 7 UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27 28