

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Tyson Dell Anderson v. Ryan Thornell, et al.

Tyson Dell Anderson v. Ryan Thornell, No. CV-25-1325-PHX-DJH (JFM) (D. Ariz. Dec. 9, 2025) (report and recommendation) · No. CV-25-1325-PHX-DJH (JFM) · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Arizona issued a Report and Recommendation addressing the plaintiff’s failure to return service packets and comply with repeated court orders in a medical-care action. The magistrate judge recommended withdrawing the reference and dismissing the complaint and action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 9, 2025
DOCKET	CV-25-1325-PHX-DJH (JFM)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a prisoner civil-rights action recommending sua sponte dismissal without prejudice for failure to prosecute and failure to comply with court orders requiring service packets.
STANDARD OF REVIEW	Dismissal for failure to prosecute is appropriate only in extreme circumstances of unreasonable delay, evaluated under the Ninth Circuit's five-factor test. A magistrate judge's report and recommendation is subject to the procedures in Federal Rule of Civil Procedure 72.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final order and not immediately appealable.
PARTIES	Tyson Dell Anderson v. Ryan Thornell, et al.

TOPICS

- sanctions
- service of process
- civil procedure
- prisoners rights

PRACTICE AREAS

civil procedure

prisoner civil rights

medical care claims

QUESTIONS PRESENTED

1. Whether the action should be dismissed sua sponte for failure to prosecute and failure to comply with court orders requiring Plaintiff to provide service packets.
2. Whether dismissal should be with or without prejudice in light of the five-factor failure-to-prosecute analysis and the availability of lesser sanctions.

HOLDINGS

1. The magistrate judge recommended dismissal because Plaintiff's repeated failure to provide service packets or respond to orders prevented the action from progressing and, after repeated warnings, warranted dismissal under Federal Rule of Civil Procedure 41(b).
2. The magistrate judge recommended dismissal without prejudice because dismissal with prejudice would be unnecessarily harsh, while dismissal without prejudice was an adequate lesser sanction.

KEY QUOTATIONS

"Because dismissal is a harsh penalty, however, it is appropriate only in extreme circumstances of unreasonable delay." (at 1)

"In the instant case, the undersigned finds that a dismissal with prejudice would be unnecessarily harsh, and the lesser sanction of dismissing the complaint and action without prejudice is appropriate." (at 2)

FACTUAL BACKGROUND

Plaintiff asserted medical-care claims concerning psychiatric care against multiple defendants. The court ordered Plaintiff to complete and return service packets, but he failed to do so by the original deadline, the extended deadline, or the deadline in a subsequent order to show cause. Although Plaintiff explained that he needed additional time because of a prison transfer, anticipated release, and lack of computer access, he did not ultimately provide the packets or otherwise respond.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting medical-care claims arising from psychiatric care. After the court ordered Plaintiff to provide service packets, Plaintiff failed to comply despite multiple orders, an extension, and warnings that the action could be dismissed. The magistrate judge recommended withdrawing the reference and dismissing the complaint and action without prejudice; the recommendation was subject to objections under Federal Rule of Civil Procedure 72.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 629-31, 633 (1962)
- Hernandez v. City of El Monte, 138 F.3d 393, 399-401 (9th Cir. 1998)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Wanderer v. Johnson, 910 F.2d 652, 656 (9th Cir. 1990)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Robbins v. Carey, 481 F.3d 1143, 1146-47 (9th Cir. 2007)

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