

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Elijah Lee Miller v. Andrew Montgomery

Miller · No. 2:23-CV-0994-KJM-DMC-P · Decided August 4, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal of a pro se prisoner’s civil rights action. The court dismissed the action without prejudice for lack of prosecution and failure to comply with court rules and orders, specifically the failure to pay the filing fee. The court applied the Ninth Circuit’s factors governing dismissal as a sanction and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 4, 2025
DOCKET	2:23-CV-0994-KJM-DMC-P
DISPOSITION	dismissed
PROCEDURAL POSTURE	After timely objections to a magistrate judge's findings and recommendations, the district court conducted de novo review and adopted the recommendation to dismiss the action without prejudice as a sanction for failure to pay the filing fee and comply with court rules and orders.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

- prisoner civil rights
- civil procedure
- federal courts

QUESTIONS PRESENTED

1. Whether dismissal without prejudice was an appropriate sanction for the plaintiff's failure to pay the filing fee and comply with court rules and orders.
2. Whether the five-factor test governing dismissal as a sanction supported dismissal in the circumstances of this case.

HOLDINGS

1. Dismissal without prejudice was appropriate because four of the five relevant factors favored dismissal: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to the defendant, and the availability of less drastic alternatives.

KEY QUOTATIONS

"Dismissal is a harsh penalty and is to be imposed only in extreme circumstances." (Opinion at 1)

"Before acting, the court must weight five factors to determine if dismissal is an appropriate sanction: "(1) the public interest; (2) the court's need to manage the docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of cases on the merits; and (5) the availability of less drastic alternatives."" (Opinion at 1)

"This action is dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders." (Opinion at 3)

FACTUAL BACKGROUND

The plaintiff failed to pay the filing fee within thirty days of a January 30, 2025 order, and the fee remained approximately 180 calendar days overdue as of July 29, 2025. The plaintiff's objections did not directly address the failure to pay the fee. The court had warned that noncompliance could result in dismissal and concluded that monetary sanctions would likely be ineffective.

PROCEDURAL HISTORY

The prisoner plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983. The matter was referred to a magistrate judge, who filed findings and recommendations on April 24, 2025, recommending dismissal as a sanction. After timely objections, the district court conducted de novo review under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), adopted the findings and recommendations in full, dismissed the action without prejudice, and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Raiford v. Pounds, 640 F.2d 944, 945 (9th Cir. 1981)

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Stone v. City of Tucson*, 249 F.R.D. 326, 327 (D. Ariz. 2008)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 131-133 (9th Cir. 1987)
- *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)
- *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992)
- *Ghazali v. Moran*, 36 F.3d 52, 53 (9th Cir. 1994)

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