

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Grissel A. Gonzaga v. State of Nevada NDOC, et al.

Gonzaga · No. 2:24-cv-02353-RFB-MDC · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed Grissel A. Gonzaga’s action without prejudice after she failed to pay the filing fee or file a complete in forma pauperis application and amended complaint as ordered. The court concluded that dismissal was warranted under the applicable Ninth Circuit factors for failure to comply with a court order and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Richard F. Boulware, II
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	2:24-cv-02353-RFB-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after Plaintiff failed to comply with an order requiring her to pay the filing fee or submit a complete application to proceed in forma pauperis and to file an amended complaint limited to her own claims.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal under a district court's inherent docket-management authority or for failure to obey a court order: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Unknown
PARTIES	Grissel A. Gonzaga v. State of Nevada NDOC, et al.

TOPICS

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

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Gonzaga failed to comply with the court's order concerning the filing fee or IFP application and the filing of an amended complaint.
2. Whether a further deadline or another lesser sanction constituted a meaningful alternative to dismissal.

HOLDINGS

1. A district court may dismiss an action when a party fails to obey a court order, after considering the applicable five dismissal factors. Those factors favored dismissal because Gonzaga failed to satisfy the filing-fee or IFP requirement and failed to file the required amended complaint.
2. The court was not required to set another deadline because repeating an ignored order would not be a meaningful alternative to dismissal where there was no indication that the plaintiff needed additional time or had not received the order.

KEY QUOTATIONS

“IT IS HEREBY ORDERED that this action is DISMISSED without prejudice based on Gonzaga’s failure to satisfy the matter of the filing fee and file an amended complaint in compliance with this Court’s May 15, 2025, order.” (at 3)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 2)

FACTUAL BACKGROUND

The court had ordered Gonzaga to pay the \$405 filing fee or submit a complete IFP application and to file an amended complaint asserting only her own claims. The deadline passed without payment, an IFP application, an amended complaint, a motion for extension, or any other response. The court found no indication that Gonzaga needed additional time or that she had not received the order.

PROCEDURAL HISTORY

Gonzaga initially attempted to bring a class action on behalf of herself and 29 other pro se inmates. On May 15, 2025, the court dismissed the complaint without prejudice and permitted Gonzaga to pursue her individual claims if she paid the filing fee or filed a complete IFP application and submitted an amended complaint within 60 days. Gonzaga did none of those things, did not seek an extension, and did not otherwise respond, so the court dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Housing Authority of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- 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)
- In re Phenylpropanolamine Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. California Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 * * * 7 GRISSEL A. GONZAGA, Case No. 2:24-cv-02353-RFB-MDC 8 Plaintiff, DISMISSAL ORDER 9 v. 10 STATE OF NEVADA NDOC, et al., 11 Defendants. 12 13 Pro se Plaintiff Grissel A. Gonzaga attempted to bring a class action lawsuit on behalf of 14 herself and 29 pro se inmates. ECF No. 4.

On May 15, 2025, this Court dismissed the complaint 15 in its entirety without prejudice and informed Gonzaga that she could pursue her claims in the 16 instant case because she was the only plaintiff who attempted to submit a complete application to 17 proceed in forma pauperis (“IFP”) and signed every document. ECF No. 3 at 2.

The Court ordered 18 Gonzaga to file a fully complete IFP or pay the full \$405 filing fee and submit a first amended 19 complaint that only referenced her claims and not the claims of the other 29 inmates within 60 20 days from the date of that order (July 14, 2025). Id. at 2-3.

The Court warned Gonzaga that the 21 action could be dismissed if she failed to pay the filing fee or file a complete IFP and file an 22 amended complaint by that deadline. Id. at 3-4. That deadline expired and Gonzaga has not paid 23 the filing fee, filed an IFP, filed an amended complaint, moved for an extension, or otherwise 24 responded. 25 26 I. DISCUSSION 27 District courts have the inherent power to control their dockets and “[i]n the exercise of 28 that power, they may impose sanctions including, where appropriate... dismissal” of a case.

1 Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may 2 dismiss an action based on a party’s failure to obey a court order or comply with local rules. See 3 Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply 4 with local rule requiring pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal 5 Service, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court order). In 6 determining whether to dismiss an action on one of these grounds, the Court must consider: (1) 7 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 8 docket; (3) the risk of prejudice to the

defendants; (4) the public policy favoring disposition of 9 cases on their merits; and (5) the availability of less drastic alternatives.

See *In re 10 Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 11 833 F.2d at 130). 12 The first two factors—the public’s interest in expeditiously resolving this litigation and the 13 Court’s interest in managing its docket—weigh in favor of dismissing Gonzaga’s claims.

The third 14 factor—risk of prejudice to defendants—also weighs in favor of dismissal because a presumption 15 of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court 16 or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

The fourth 17 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by 18 the factors favoring dismissal. 19 The fifth factor requires the Court to consider whether less drastic alternatives can be used 20 to correct the party’s failure that brought about the Court’s need to consider dismissal. See *Yourish 21 v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic 22 alternatives before the party has disobeyed a court order does not satisfy this factor); accord 23 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive 24 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives 25 prior to disobedience of the court’s order as satisfying this element[,]” i.e., like the “initial granting 26 of leave to amend coupled with the warning of dismissal for failure to comply[,]” have been 27 “eroded” by *Yourish*).

Courts “need not exhaust every sanction short of dismissal before finally 28 dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 1 } 779 F.2d 1421, 1424 (9th Cir. 1986). 2 Because this action cannot realistically proceed until and unless Gonzaga satisfies the 3 | matter of the filing fee and files an amended complaint, the only alternative is to enter a second order setting another deadline.

But the reality of repeating an ignored order is that it often only 5 | delays the inevitable and squanders the Court’s finite resources. The circumstances here do not 6 | indicate that this case will be an exception: there is no indication that Ms. Gonzaga needs additional 7 | time or evidence that she did not receive the Court’s order. Setting another deadline is not a 8 | meaningful alternative given these circumstances.

Thus, the fifth factor favors dismissal. Having 9 | thoroughly considered these dismissal factors, the Court finds that they weigh in favor of dismissal. 10 1] **II. CONCLUSION** 12 **IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice based on 13 | Gonzaga’s failure to satisfy the matter of the filing fee and file an amended complaint in 14 | compliance with this Court’s May 15, 2025, order.

15 The Clerk of Court is DIRECTED to enter judgment accordingly and close this case. No 16 |
other documents may be filed in this now-closed case. If Gonzaga wishes to pursue her claims, she
17 | must file a complete IFP or pay the filing fee and file a complaint in a new case. 18 19 |
DATED: December 29, 2025. RICHARD F. BOULWARE, II UNITED STATES DISTRICT
JUDGE 23 24 25 26 27 28 -3-