

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)

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