

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Al Gene Fisher, Jr. v. Galyen, et al.

Fisher v. Galyen · No. 2:22-cv-1952-TLN-JDP (P) · Decided October 2, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Al Gene Fisher, Jr. to show cause within twenty-one days why the action should not be dismissed for failure to prosecute and failure to comply with local rules. The order also directs plaintiff to file an opposition or statement of non-opposition to defendants' motion for summary judgment, warning that failure to respond will result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
DECIDED	October 2, 2025
DOCKET	2:22-cv-1952-TLN-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Order to show cause issued after defendants filed a motion for summary judgment and plaintiff failed to file an opposition or statement of non-opposition.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value
PARTIES	Al Gene Fisher, Jr. v. Galyen, et al.

TOPICS

- sanctions
- summary judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

- Whether plaintiff should be required to show cause why the action should not be dismissed for failure to prosecute and failure to comply with local rules after failing to respond to defendants' motion for

summary judgment.

HOLDINGS

1. A district court may impose sanctions, including dismissal, for a litigant's failure to comply with court orders or applicable local rules.
2. If plaintiff fails to respond to the order to show cause, the failure will constitute noncompliance with a court order and will result in a recommendation that the action be dismissed.

KEY QUOTATIONS

“Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties.” (at 1)

“Plaintiff’s failure to respond to this order will constitute a failure to comply with a court order and will result in a recommendation that this action be dismissed.” (at 1-2)

FACTUAL BACKGROUND

Defendants filed a motion for summary judgment on August 20, 2025. Plaintiff did not file a response, opposition, or statement of non-opposition by the time the order was issued.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment on August 20, 2025. Plaintiff had not responded by the date of the order, so the court ordered him to show cause within twenty-one days why the action should not be dismissed for failure to prosecute and failure to comply with local rules, and directed him to file an opposition or statement of non-opposition if he wished to continue the lawsuit.

DISPOSITION

other

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 AL GENE FISHER, JR., Case No. 2:22-cv-1952-TLN-JDP (P) 12 Plaintiff,
13 v. ORDER TO SHOW CAUSE 14 GALYEN, et al., 15 Defendants. 16 17 On August 20, 2025,
defendants filed a motion for summary judgment. ECF No. 57.

To 18 date, plaintiff has not filed a response. 19 To manage its docket effectively, the court requires litigants to meet certain deadlines. 20 The court may impose sanctions, including dismissing a case, for failure to comply with its orders 21 or local rules. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon Pres. Council v. U.S. 22 Forest Serv., 403 F.3d 683, 689 (9th Cir.

2005); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 23 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer 24 justice expeditiously and avoid needless burden for the parties. See Pagtalunan v. Galaza, 291 25 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 26 I will give plaintiff a chance to explain why the court should not dismiss the case for his 27 failure to file an opposition or statement of non-opposition to defendants' motion.

Plaintiff's 28 failure to respond to this order will constitute a failure to comply with a court order and will result 1 | in arecommendation that this action be dismissed. Accordingly, plaintiff is ordered to show 2 | cause within twenty-one days why this case should not be dismissed for failure to prosecute and 3 | failure to comply with local rules. Should plaintiff wish to continue with this lawsuit, he shall 4 | file, within twenty-one days, an opposition or statement of non-opposition to defendants' motion.

5 6 IT IS SO ORDERED. Dated: _ October 2, 2025 Q_—— 8 JEREMY D. PETERSON 9
UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
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