

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Justin Mendoza v. James E. Dzurenda, et al.

Mendoza · No. 2:25-cv-01939-APG · Decided December 16, 2025

SUMMARY

The District of Nevada dismissed Justin Mendoza’s action without prejudice after Mendoza failed to file a signed complaint and address the filing fee as required by a prior order. The court also struck Matthew Travis Houston’s filing because Houston was not a party and the filing violated a pre-filing injunction. The case was ordered closed, with leave for Mendoza to pursue the claims in a new action.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 16, 2025
DOCKET	2:25-cv-01939-APG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after plaintiff Justin Mendoza failed to file a signed complaint and either pay the filing fee or submit an individual application to proceed in forma pauperis by the court-ordered deadline. The court also struck a filing submitted by nonparty Matthew Travis Houston as violating a pre-filing injunction.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal for failure to obey a court order or comply with court rules: the public interest in expeditious resolution, docket management, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Houston's filing should be stricken because he was no longer a party and the filing violated an applicable pre-filing injunction.
2. Whether Mendoza's action should be dismissed without prejudice for failure to comply with the court's order requiring a signed complaint and payment of the filing fee or submission of an individual in forma pauperis application.

HOLDINGS

1. A nonparty's filing may be stricken from the docket when the nonparty is not entitled to relief in the action and the filing violates a pre-filing injunction.
2. A district court may dismiss an action for failure to obey a court order when the applicable dismissal factors favor dismissal, including where the action cannot proceed unless the plaintiff files the required complaint and addresses the filing fee and repeating the ignored order would merely delay resolution and consume judicial resources.

KEY QUOTATIONS

“In the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” (at 2)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 3)

FACTUAL BACKGROUND

Mendoza was given until November 20, 2025, to file a signed complaint concerning only Mendoza's claims and to pay the \$405 filing fee or submit an individual in forma pauperis application. Mendoza did not comply with or respond to the order. Nonparty Houston filed a document seeking to proceed on behalf of himself and other prisoners despite a pre-filing injunction requiring permission before filing a lawsuit and restricting use of previously filed pages.

PROCEDURAL HISTORY

The action was initiated through documents purportedly filed by Mendoza and Houston. The court previously dismissed Houston from the action because he attempted to circumvent a vexatious-litigant pre-filing order and allowed Mendoza to proceed if Mendoza filed a signed complaint limited to Mendoza's allegations and addressed the filing fee. Mendoza did not comply or respond by the November 20, 2025 deadline. Houston then filed another document, which the court struck, and the court dismissed and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Houston v. Encore Event Technologies, et al.*, Case No. 2:22-cv-01740-JAD-EJY, ECF No. 30 (D. Nev. Oct. 24, 2023)
- *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. United States 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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