

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PRECEDENTIAL VALUE	unpublished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)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Justin Mendoza, Case No.: 2:25-cv-01939-APG 4 Plaintiff Order Striking Fugitive Document and Dismissing and Closing Case 5 v. [ECF No. 3] 6 James E. Dzurenda, et al., 7 Defendants 8 9 This action began with a collection of documents purportedly filed by Nevada prisoners 10 Justin Mendoza and Matthew Travis Houston.

ECF No. 1-1. Because Houston sought to bypass 11 the vexatious litigant pre-filing order that applies to him when initiating this lawsuit, I dismissed 12 him from this action and gave Mendoza the opportunity to proceed with this lawsuit. ECF No. 2. 13 To that end, I gave Mendoza until November 20, 2025, to file a signed complaint with 14 allegations pertaining only to themselves and either pay the full \$405 filing fee or file their own 15 individual application to proceed in forma pauperis.

Id. at 5. That deadline expired without 16 Mendoza complying with or responding to my order. 17 Houston, however, filed a notice or motion seeking, among other things, to proceed with 18 this lawsuit on behalf of himself and several other prisoners. ECF No. 3. Houston's filing 19 violates the pre-filing injunction that applies to him because he filed it in an existing lawsuit, and 20 it includes documents that are recycled from his other actions.

See ECF No. 3 at 13–14. I strike 21 Houston's fugitive document and dismiss and close this action. 22 23 1 I. DISCUSSION 2 A. Non-party Houston's fugitive document is stricken from the docket. 3 As a result of my prior order, Houston is not a party in this case. ECF No. 2 at 5.

As 4 explained in that order and on numerous other occasions, Houston is subject to a vexatious 5 litigant pre-filing order issued by Judge Dorsey that requires him to satisfy certain conditions 6 before filing a new action in this court "using any pages he has already filed in another case." 7

See *Houston v. Encore Event Technologies, et al.*, Case No. 2:22-cv-01740-JAD-EJY, ECF 8 No. 30 at 8 (D.

Nev. Oct. 24, 2023). Because the pre-filing order requires Houston to obtain 9 permission from the chief judge (me) before he files a lawsuit, he cannot apply for that relief 10 after he files a lawsuit in violation of the order. Hence my order dismissing Houston from this 11 action.

Because Houston is not a party entitled to relief in this lawsuit and his most recent filing 12 violates the pre-filing order, that document is stricken from the docket. 13 B. Relevant factors favor dismissing this action. 14 District courts have the inherent power to control their dockets and “[i]n the exercise of 15 that power, they may impose sanctions including, where appropriate... dismissal” of a case.

16 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may 17 dismiss an action based on a party’s failure to obey a court order or comply with local rules. See 18 *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply 19 with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. 20 Postal Service*, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court 21 order). In determining whether to dismiss an action on one of these grounds, I must consider: 22 (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its 23 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 1 cases on their merits; and (5) the availability of less drastic alternatives.

See *In re 2 Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 3 833 F.2d at 130). 4 The first two factors, the public’s interest in expeditiously resolving this litigation and the 5 Court’s interest in managing its docket, weigh in favor of dismissal of Mendoza’s claims.

The 6 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a 7 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading 8 ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th 9 Cir. 1976).

The fourth factor, the public policy favoring disposition of cases on their merits, is 10 greatly outweighed by the factors favoring dismissal. 11 The fifth factor requires me to consider whether less drastic alternatives can be used to 12 correct the party’s failure that brought about the court’s need to consider dismissal. See *Yourish 13 v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic 14 alternatives before the party has disobeyed a court order does not satisfy this factor); accord 15 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4

(9th Cir. 2002). Courts “need not exhaust every 16 sanction short of dismissal before finally dismissing a case, but must explore possible and 17 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir.

1986). Because 18 this action cannot realistically proceed until Mendoza files a complaint and either pays the full 19 \$405 filing fee or files their own individual in forma pauperis application, the only alternative is 20 to enter a second order setting another deadline. But the reality of repeating an ignored order is 21 that it often only delays the inevitable and squanders the court’s finite resources along the way.

22 The circumstances here do not indicate that this case will be an exception. So the fifth factor 23 1} favors dismissal. Having thoroughly considered these dismissal factors, I find that they weigh in 2|| favor of dismissal. 3) TI. CONCLUSION 4 I THEREFORE ORDER that this action is dismissed without prejudice based on Justin Mendoza’s failure to file a signed complaint and address the matter of the filing fee in compliance with the court’s October 21, 2025, order.

The Clerk of the Court is directed to enter 7| judgment accordingly and close this case. If Justin Mendoza wishes to pursue their claims, they 8|| must file a complaint in a new case and address the matter of the filing fee. 9 I FURTHER ORDER that Matthew Travis Houston’s fugitive filing (ECF No. 3) is 10|| stricken from the docket. If Houston wishes to pursue his own claims, he must comply with the conditions of the pre-filing order.

See *Houston v. Encore Event Technologies, et al.*, Case No, 2:22-cv-01740-JAD-EJY, ECF No. 30 (D. Nev. Oct. 24, 2023). 13 Dated: December 16, 2025 14 G— Andrew P. Gordon 15 Chief United States District Judge 16 17 18 19 20 21 22 23