

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

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