

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

James Kalaaukahi v. Y. Salinas Gonzales, et al.

Kalaaukahi v. Salinas Gonzales · No. 2:23-cv-1268-JDP (P) · Decided May 9, 2025

SUMMARY

A United States Magistrate Judge recommends dismissing the action without prejudice because the plaintiff repeatedly failed to prosecute the case and comply with court orders, including orders requiring a response to defendants’ motion to compel. The court also recommends denying the motion to compel as moot and closing the case, subject to review by an assigned district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 9, 2025
DOCKET	2:23-cv-1268-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a prisoner civil-rights action for failure to prosecute and failure to comply with court orders. The recommendation was issued after plaintiff repeatedly failed to respond to defendants' motion to compel despite multiple extensions, warnings, and re-service of the motion.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with court orders is evaluated under the five-factor framework concerning the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; persuasive only and subject to district-judge review.
PARTIES	James Kalaaukahi v. Y. Salinas Gonzales, et al.

TOPICS

sanctions

civil procedure

prisoners rights

discovery dispute

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute and failure to comply with court orders.
2. Whether defendants' motion to compel should be denied as moot after recommending dismissal of the action.

HOLDINGS

1. The magistrate judge recommended dismissal without prejudice because plaintiff repeatedly failed to participate in the litigation and failed to comply with orders requiring a response to defendants' motion to compel, despite repeated warnings and extensions.

KEY QUOTATIONS

“The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal.” (at 1)

“In recommending that this action be dismissed for failure to prosecute and failure to comply with court orders, I have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.”” (at 2)

FACTUAL BACKGROUND

Plaintiff repeatedly failed to participate adequately in the litigation and did not respond to defendants' motion to compel. Although the court issued warnings, denied appointment of counsel, allowed additional time, ordered defendants to re-serve the motion, and granted a further forty-five-day extension, plaintiff filed no response. The court concluded that further opportunities would not secure plaintiff's participation.

PROCEDURAL HISTORY

Defendants moved to compel discovery on November 8, 2024. After plaintiff failed to respond, the court issued a show-cause order, granted multiple opportunities and extensions, denied plaintiff's motion for appointment of counsel, ordered defendants to re-serve the motion, and granted plaintiff an additional forty-five days to respond. Plaintiff still did not respond. The magistrate judge recommended dismissal without prejudice, denial of the motion to compel as moot, and closure of the case, subject to review by an assigned district judge after objections.

DISPOSITION

dismissed

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *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)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/james-kalaaukahi-v-y-salinas-gonzales-et-al-t4rh6sy0>