

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kelly v. Oglesby

Kelly · No. 1:25-cv-00042-KES-SAB (PC) · Decided August 4, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed James Carl Kelly’s action without prejudice after he failed to pay the filing fee despite being ordered to do so following a determination that he had three strikes under 28 U.S.C. § 1915(g). The court directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 4, 2025
DOCKET	1:25-cv-00042-KES-SAB (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the prisoner civil-rights action without prejudice after determining that plaintiff had three strikes under 28 U.S.C. § 1915(g), ordering him to pay the filing fee, and finding that he failed to do so.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	James Carl Kelly v. William Oglesby, et al.

TOPICS

- prisoners rights
- civil procedure
- section 1983

PRACTICE AREAS

- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice when a prisoner subject to the three-strikes provision fails to pay the filing fee after being ordered to do so.

HOLDINGS

1. A prisoner action subject to the three-strikes provision may not proceed without payment of the required filing fee, and failure to pay after a court order warrants dismissal without prejudice.

KEY QUOTATIONS

“failure to pay the required filing fee as ordered will result in the dismissal of this action without prejudice and without further notice” (at 1)

FACTUAL BACKGROUND

The court determined that James Carl Kelly had accumulated three strikes under 28 U.S.C. § 1915(g). It ordered him to pay the filing fee within 30 days, but he failed to make the required payment.

PROCEDURAL HISTORY

On June 26, 2025, the court determined that plaintiff had accumulated three strikes under 28 U.S.C. § 1915(g) and ordered him to pay the filing fee within 30 days. After plaintiff failed to pay despite the court's warning that nonpayment would result in dismissal, the court dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995)
- Saddozai v. Davis, 35 F.4th 705, 709 (9th Cir. 2022)