

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Christopher Lipsey, Jr. v. Lancaster State Prison Warden Lundy, et
al.

Lipsey v. Lundy · No. 2:24-cv-03716-JLS-JC · Decided September 9, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Christopher Lipsey Jr.'s pro se civil-rights action against Lancaster State Prison officials. The court dismissed the action for failure to state a claim, failure to comply with a prior order, and unreasonable failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Josephine L. Staton
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 9, 2025
DOCKET	2:24-cv-03716-JLS-JC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983 and California's Bane Act; the district court had previously dismissed the complaint with leave to amend and ordered Plaintiff to respond, but Plaintiff failed to respond, amend, prosecute, or comply with the order.
STANDARD OF REVIEW	A district court may sua sponte dismiss for failure to comply with a court order or unreasonable failure to prosecute after considering the applicable dismissal factors and, for a pro se litigant, providing notice of pleading deficiencies and an opportunity to amend effectively.
PRECEDENTIAL VALUE	unpublished district court memorandum; precedential status not stated

TOPICS

- civil procedure
- section 1983
- prisoners rights
- pleadings
- sanctions

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional litigation
- pro se litigation

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed for failure to state a claim after Plaintiff failed to amend or otherwise respond to an order identifying pleading deficiencies.
2. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) and the court's inherent authority for unreasonable failure to prosecute and failure to comply with a court order.

HOLDINGS

1. Dismissal was appropriate because the complaint failed to state a claim for relief, Plaintiff was given detailed notice of the deficiencies and an opportunity to amend or otherwise respond, and his failure to respond reasonably supported the conclusion that amendment was futile.
2. A district court may sua sponte dismiss an action for unreasonable failure to prosecute and failure to comply with a court order when the relevant dismissal factors support dismissal and lesser sanctions are not feasible.

KEY QUOTATIONS

“In determining whether to dismiss an action for failure to prosecute or failure to comply with court orders, a district court must consider several factors, namely (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 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” (at 4)

“IT IS THEREFORE ORDERED that this action is dismissed based upon Plaintiff’s failure to state a claim, his unreasonable failure to prosecute, and his failure to comply with the March Order.” (at 6)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner proceeding pro se, alleged that prison officials and other defendants caused or failed to protect him from serious harm, denied adequate remedies, and caused or failed to prevent theft of his property. He sought monetary and injunctive relief, appointment of counsel, and production of body-camera footage and other evidence. After receiving a detailed order identifying deficiencies and providing multiple response options, Plaintiff failed to take any action by the extended deadline.

PROCEDURAL HISTORY

Plaintiff constructively filed a civil-rights complaint on April 28, 2024 and was granted leave to proceed in forma pauperis. On March 7, 2025, the court directed Plaintiff to show cause regarding revocation of IFP status, dismissed the complaint with leave to amend for pleading deficiencies and failure to state a claim, and ordered Plaintiff to file an amended complaint, a notice of dismissal, or a notice of intent to stand on the complaint. After correcting a mailing error, the court extended the response deadline to May 8, 2025. Plaintiff did not respond or seek an extension, and the court dismissed the action.

DISPOSITION

dismissed

CASES CITED

- *Houston v. Lack*, 487 U.S. 266, 270 (1988)
- *Douglas v. Noelle*, 567 F.3d 1103, 1107 (9th Cir. 2009)
- *Roberts v. Marshall*, 627 F.3d 768, 770 n.1 (9th Cir. 2010), cert. denied, 565 U.S. 897 (2011)
- *Andrews v. Cervantes*, 493 F.3d 1047, 1052-53 (9th Cir. 2007)
- *Link v. Wabash R.R.*, 370 U.S. 626, 629-33 (1962)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.), cert. denied, 506 U.S. 915 (1992)
- *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991)
- *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004)
- *In re Eisen*, 31 F.3d 1447, 1451 (9th Cir. 1994)
- *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)
- *Yourish v. Cal. Amplifier*, 191 F.3d 983, 989, 992 (9th Cir. 1999)
- *Knapp v. Hogan*, 738 F.3d 1106, 1110 (9th Cir. 2013), cert. denied, 574 U.S. 815 (2014)
- *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976)

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