

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Daniel Harper v. De La Torres, et al.

Harper v. De La Torres · No. 1:25-cv-0001 JLT EPG · Decided May 7, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Plaintiff Daniel Harper’s action without prejudice after he failed to pay the filing fee as ordered. The court applied Ninth Circuit factors governing dismissal for failure to comply with a court order and directed the Clerk of Court 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	May 7, 2025
DOCKET	1:25-cv-0001 JLT EPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed a prisoner civil-rights action without prejudice after Plaintiff failed to pay the filing fee following an order denying in forma pauperis status.
STANDARD OF REVIEW	The Court evaluated dismissal under the Ninth Circuit's five-factor framework for terminating sanctions.
PRECEDENTIAL VALUE	Unpublished district court order; not reported and of limited precedential value.

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to pay the filing fee as ordered.

2. Whether the Ninth Circuit's factors governing terminating sanctions supported dismissal.

HOLDINGS

1. An action may be dismissed without prejudice when the plaintiff fails to pay the required filing fee after being ordered and warned that nonpayment would result in dismissal.

KEY QUOTATIONS

“(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 sanctions.” (at 1-2)

“The public’s interest expeditious resolution of litigation always favors dismissal” (at 2)

FACTUAL BACKGROUND

The Court found that Plaintiff was not entitled to proceed in forma pauperis and ordered him to pay the filing fee. Despite an express warning that nonpayment would result in dismissal, Plaintiff failed to pay the fee for more than 30 days, preventing the action from proceeding.

PROCEDURAL HISTORY

The Court previously ordered Plaintiff to pay the filing fee after determining that he was not entitled to proceed in forma pauperis and warned that failure to pay would result in dismissal. Plaintiff did not pay the fee within more than 30 days, so the Court dismissed the action without prejudice and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Saddozai v. Davis, 35 F.4th 705, 709 (9th Cir. 2022)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261-62 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 n.2 (9th Cir. 1987)

OPINION

(PC) Harper v. De La Torre

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 DANIEL HARPER,) Case No.: 1:25-cv-0001 JLT EPG) 12 Plaintiff,) ORDER
DISMISSING ACTION WITHOUT
) PREJUDICE FOR PLAINTIFF'S FAILURE TO
13 v.) PAY THE FILING FEE
) 14 DE LA TORRES, et al.,)) 15 Defendants.)) 16) 17 The Court ordered Plaintiff to pay the
filing fee after finding he was not entitled to proceed in 18 forma pauperis in this matter. (Doc.
18.) The Court warned Plaintiff that failure to pay the required 19 filing fee as ordered would
result in dismissal of this action. (Id. at 3.) More than 30 days have passed, 20 and Plaintiff failed
to pay the required filing fee. Without such payment, the action cannot proceed 21 before the
Court. See *Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022). 22 In finding dismissal is
appropriate, the Court has considered the factors outlined by the Ninth 23 Circuit for terminating
sanctions, including: “(1) the public’s interest in expeditious resolution of 24 litigation; (2) the
court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the 25 public
policy favoring disposition of cases on their merits; and (5) the availability of less drastic 26
sanctions.” *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). The public’s interest in 27
expeditiously resolving this litigation and the Court’s interest in managing the docket weigh in
favor 28 of dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (“The
public’s interest 1 expeditious resolution of litigation always favors dismissal”); *Ferdik v.*
Bonzelet, 963 F.2d 1258, 2 | 1261 (th Cir. 1992) (district courts have inherent interest in managing
their dockets without being 3 || subject to noncompliant litigants). Because Plaintiff delayed the
action though his failure to obey the 4 || Court’s order to pay the filing fee, the third factor also
supports dismissal. Finally, the Court’s warnir 5 || to Plaintiff that the matter could be dismissed
satisfies the requirement of considering alternative 6 || sanctions. *Ferdik*, 963 F.2d at 1262.
Consequently, the *Henderson* factors weigh in favor of dismissal 7 || for Plaintiffs failure to pay the
filing fee as ordered. *Malone v. U.S. Postal Service*, 833 F.2d 128, 13 8 |} n.2 (9th Cir. 1987)
(explaining that although “the public policy favoring disposition of cases on their 9 merits ...
weighs against dismissal, it is not sufficient to outweigh the other four factors”). Thus, the 10 ||
Court ORDERS: 11 1. Plaintiff's complaint is DISMISSED without prejudice. 12 2. The Clerk of
Court is directed to close this case. 13 14 IS SO ORDERED. 15 Dated: _ May 7, 2025 (uf Tw
16 TED STATES DISTRICT JUDGE
17 18 19 20 21 22 23 24 25 26 27 28