

**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

OPINION

(PC) Harper v. De La Torre

PER CURIAM.

1 2 3 4 5 6 7

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 n 16 TED STATES DISTRICT JUDGE 17 18 19 20 21 22 23 24 25 26 27 28