

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Emerson Robert Gaitan v. Macomber et al.

No. 1:25-cv-00915-JLT-HBK (E.D. Cal. Dec. 18, 2025) · No. 1:25-cv-00915-JLT-HBK · Decided December 18, 2025

SUMMARY

The United States Magistrate Judge recommends that Emerson Robert Gaitan’s 42 U.S.C. § 1983 action against Macomber and other defendants be dismissed without prejudice. The recommendation is based on Plaintiff’s failure to comply with orders concerning his application to proceed in forma pauperis and his failure to prosecute the action. The document applies Federal Rule of Civil Procedure 41(b), Eastern District of California Local Rule 110, and the Ninth Circuit’s dismissal-factor test.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 18, 2025
DOCKET	1:25-cv-00915-JLT-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a pro se civil-rights action under 42 U.S.C. § 1983 for failure to comply with court orders and prosecute.
STANDARD OF REVIEW	Involuntary dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order is evaluated under the five factors concerning expeditious resolution, docket management, prejudice to defendants, disposition on the merits, and availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished findings and recommendations; nonprecedential and subject to district-judge review.
PARTIES	Emerson Robert Gaitan v. Macomber et al.

TOPICS

sanctions

default

section 1983

civil rights

remedies

PRACTICE AREAS

Civil procedure

Civil rights

Federal courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Eastern District of California Local Rule 110 because Plaintiff failed to comply with court orders.
2. Whether the five Henderson factors support involuntary dismissal for failure to prosecute and failure to obey court orders.

HOLDINGS

1. A court may involuntarily dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 when a plaintiff repeatedly fails to obey court orders and prosecute the action, and the applicable dismissal factors support that sanction.

KEY QUOTATIONS

“District courts have inherent power to control their dockets and, in exercising that power, may impose sanctions, including dismissal of an action.” (Opinion at 3)

“This Court’s time is better spent on its other matters than needlessly consumed managing a case with a recalcitrant litigant.” (Opinion at 4)

“This action be DISMISSED without prejudice for Plaintiffs failure to obey court orders and prosecute this action.” (Opinion at 5)

FACTUAL BACKGROUND

Plaintiff Emerson Gaitan filed a pro se civil-rights action under 42 U.S.C. § 1983 and sought to proceed without prepaying the filing fee. After the court identified omissions in his financial application, it ordered him to file an updated application signed under penalty of perjury, pay the filing fee, or show cause why the action should not be dismissed. Plaintiff failed to respond to the court's orders or request an extension, despite express warnings that noncompliance could result in dismissal.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint and applied to proceed in forma pauperis. After the court determined that his reported income and expenses did not establish eligibility, it permitted him to submit an updated application including all expenses, or alternatively pay the filing fee or show cause why the action should not be dismissed. Plaintiff failed to respond to both the October 15, 2025 order and the November 20, 2025 order to show cause, leading the magistrate judge to recommend dismissal without prejudice. The findings and recommendations were to be submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to fourteen-day objections.

DISPOSITION

other

CASES CITED

- *Applied Underwriters v. Lichtenegger*, 913 F.3d 884, 889 (9th Cir. 2019)
- *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-33 (9th Cir. 1987)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990-91 (9th Cir. 1999)
- *In re Approval of the Judicial Emergency Declared in the Eastern District of California*, 956 F.3d 1175 (9th Cir. 2020)
- *Sibron v. New York*, 392 U.S. 40, 57 (1968)
- *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 643-44 (9th Cir. 2002)
- *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)