

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hampton v. Alkire

Hampton · No. No. 2:22-CV-1418-DCJ-DMC-P · Decided June 18, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge in a prisoner civil rights action under 42 U.S.C. § 1983. It recommends dismissal without prejudice for lack of prosecution and failure to comply with an order to file an amended complaint, and advises the parties of the deadline to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
DECIDED	June 18, 2025
DOCKET	No. 2:22-CV-1418-DCJ-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a United States magistrate judge recommending dismissal without prejudice of a prisoner's 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with court rules and orders.
STANDARD OF REVIEW	Dismissal as a sanction for failure to prosecute or failure to comply with court orders is evaluated under five factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to opposing parties, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gary G. Hampton, Jr. v. Alkire, et al.

TOPICS

- sanctions
- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for lack of prosecution and failure to comply with the court's order to file an amended complaint.
2. Whether the five-factor test governing dismissal as a sanction supports dismissal in light of Plaintiff's noncompliance and the prior warning.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to file the amended complaint as ordered after receiving a warning that noncompliance could result in dismissal.

KEY QUOTATIONS

“Having considered these factors, and in light of Plaintiff’s failure to file an amended complaint as directed, the Court finds that dismissal of this action is appropriate.” (at 1)

“Based on the foregoing, the undersigned recommends that this action be dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and orders.” (at 1)

FACTUAL BACKGROUND

Plaintiff, a prisoner proceeding pro se, brought a civil rights action under 42 U.S.C. § 1983. After being ordered to file an amended complaint within 30 days and warned that noncompliance could lead to dismissal, Plaintiff failed to file the amended complaint.

PROCEDURAL HISTORY

The court had directed Plaintiff on January 21, 2025, to file an amended complaint within 30 days and warned that failure to do so could result in dismissal. Plaintiff did not file the amended complaint. The magistrate judge recommended dismissal without prejudice, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130, 132-33 & n.1 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (per curiam)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

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