

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

(PC) Hampton v. Alkire

PER CURIAM.

1 2 3 4 5 6 7

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 GARY G. HAMPTON, JR., No. 2:22-CV-1418-DCJ-DMC-P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 ALKIRE, et al., 15 Defendants. 16 17 Plaintiff, a prisoner proceeding pro se, brings this civil
rights action pursuant to 18 42 U.S.C. § 1983. 19 On January 21, 2025, the Court directed Plaintiff
to file an amended complaint 20 within 30 days. Plaintiff was warned that failure to file an
amended complaint may result in 21 dismissal of this action for lack of prosecution and failure to
comply with court rules and orders. 22 See Local Rule 110. To date, Plaintiff has not complied. 23
The Court must weigh five factors before imposing the harsh sanction of dismissal. 24 See
Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v. U.S. Postal 25
Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in 26
expeditious resolution of litigation; (2) the court's need to manage its own docket; (3) the risk of
27 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their merits;
28 and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran, 46 F.3d 52,
1 } 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an appropriate
2 || sanction is considered a less drastic alternative sufficient to satisfy the last factor. See Malone,
3 | 833 F.2d at 132-33 &n.1. The sanction of dismissal for lack of prosecution is appropriate where
4 || there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 5 ||
1986). Dismissal has also been held to be an appropriate sanction for failure to comply with an 6 ||
order to file an amended complaint. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 7 |
1992). 8 Having considered these factors, and in light of Plaintiff's failure to file an 9 || amended
complaint as directed, the Court finds that dismissal of this action is appropriate. 10 Based on the
foregoing, the undersigned recommends that this action be dismissed, 11 || without prejudice, for
lack of prosecution and failure to comply with court rules and orders. 12 These findings and
recommendations are submitted to the United States District 13 || Judge assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days 14 | after being served with
these findings and recommendations, any party may file written 15 || objections with the court.
Responses to objections shall be filed within 14 days after service of 16 || objections. Failure to file
objections within the specified time may waive the right to appeal. See 17 || Martinez v. Yist, 951
F.2d 1153 (9th Cir. 1991). 18 19 || Dated: June 17, 2025 Co

20 DENNIS M. COTA

7] UNITED STATES MAGISTRATE JUDGE

22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/hampton-v-alkire-vgkyro40>