

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Raymond E. Moore, Jr. v. Butte County, et al.

Moore v. Butte County · No. 2:22-cv-1517-DJC-JDP (P) · Decided January 7, 2026

SUMMARY

A United States magistrate judge recommends dismissing the action without prejudice because the plaintiff failed to prosecute, comply with court orders, and respond to an order to show cause. The recommendation applies the Ninth Circuit’s factors governing dismissal for failure to prosecute and failure to obey court orders, and directs the Clerk of Court to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 7, 2026
DOCKET	2:22-cv-1517-DJC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge findings and recommendations recommending dismissal without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with court orders is evaluated under the court's inherent docket-management authority and the five Ferdik factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- civil procedure
- service of process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to prosecute.
2. Whether the action should be dismissed without prejudice for plaintiff's failure to comply with court orders.
3. Whether the *Ferdik* factors and the availability of less drastic alternatives supported dismissal.

HOLDINGS

1. A federal court may dismiss an action for failure to prosecute, failure to obey a court order, or failure to comply with local rules under its inherent power to control its docket and impose sanctions.
2. Dismissal without prejudice was warranted because plaintiff repeatedly failed to comply with court orders despite an express warning, and the relevant dismissal factors favored dismissal.

KEY QUOTATIONS

"The court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal." (at 1)

"In recommending that this action be dismissed for failure to prosecute and failure to comply with court orders, I have considered "(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 alternatives."" (at 2)

"Therefore, the public interest in expeditious resolution of litigation, the court's need to manage its docket, and the risk of prejudice to the defendant all cut in favor of the sanction of dismissal." (at 2)

FACTUAL BACKGROUND

Plaintiff failed to respond to an order directing him either to have defendant Shoemaker re-served or to seek her entry of default. After that noncompliance, plaintiff also failed to respond to an order requiring him to show cause why the action should not be dismissed and to comply with the earlier order. The court had expressly warned that failure to respond or comply with court orders could result in dismissal.

PROCEDURAL HISTORY

The court previously notified plaintiff of a potential service problem concerning defendant Shoemaker and directed plaintiff either to have the United States Marshals Service re-serve Shoemaker or seek entry of default. After plaintiff failed to respond, the court ordered him to show cause why the action should not be dismissed and to respond to the prior order. Plaintiff again failed to respond, and the magistrate judge recommended dismissal without prejudice and closure of the case, subject to review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles Cnty., 216 F.3d 837, 841 (9th Cir. 2000)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Serv., 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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