

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Pastor Isabel Vela v. Breckenridge, et al.

Vela · No. 1:25-cv-01259-KES-BAM · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Pastor Isabel Vela’s action without prejudice for failure to obey a court order and failure to prosecute. The recommendation follows Plaintiff’s failure to pay the filing fee or submit an application to proceed in forma pauperis after being ordered to do so. The document provides a fourteen-day period for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 16, 2025
DOCKET	1:25-cv-01259-KES-BAM
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge issued findings and recommendations that the action be dismissed without prejudice because plaintiff failed to obey an order requiring payment of the filing fee or submission of an application to proceed in forma pauperis, and failed to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey a court order, or failure to comply with local rules is evaluated under the court's inherent docket-management authority and the five-factor test concerning expeditious resolution, docket management, prejudice to defendants, disposition on the merits, and availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

federal civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for plaintiff's failure to obey the court's order requiring payment of the filing fee or submission of an in forma pauperis application.
2. Whether dismissal without prejudice is warranted for failure to prosecute after considering the applicable five-factor dismissal test and less drastic sanctions.

HOLDINGS

1. A district court may dismiss an action when a party fails to prosecute, fails to obey a court order, or fails to comply with applicable local rules, pursuant to the court's inherent power to control its docket.
2. Dismissal without prejudice is appropriate where the public interest in expeditious resolution, the court's need to manage its docket, and the risk of prejudice weigh in favor of dismissal; the merits factor provides little support for a party whose conduct impedes progress; and the court has considered less drastic sanctions.

KEY QUOTATIONS

“Having considered the relevant factors, the Court finds that dismissal is the appropriate sanction and HEREBY RECOMMENDS that this action be dismissed, without prejudice, for failure to obey a court order and for Plaintiff’s failure to prosecute this action.” (at 3)

FACTUAL BACKGROUND

Pastor Isabel Vela filed this civil action pro se but did not pay the \$405 filing fee or submit a completed application to proceed in forma pauperis. After the court ordered her to pay the fee or submit the application within thirty days and warned that noncompliance could result in dismissal, she did neither, and the deadline expired.

PROCEDURAL HISTORY

Plaintiff filed the civil action on September 23, 2025, without paying the filing fee or submitting a completed in forma pauperis application. The court ordered plaintiff to cure the deficiency within thirty days, but plaintiff did neither. The magistrate judge therefore recommended dismissal without prejudice and provided fourteen days for objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Thompson v. Housing Authority, 782 F.2d 829, 831 (9th Cir. 1986)

- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Malone v. United States Postal Service, 833 F.2d 128, 130-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (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, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 FOR THE EASTERN DISTRICT OF
 CALIFORNIA 5 6 PASTOR ISABEL VELA, Case No. 1:25-cv-01259-KES-BAM 7 Plaintiff,
 FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION WITHOUT PREJUDICE 8 v.
 FOR FAILURE TO OBEY COURT ORDER AND FOR FAILURE TO PROSECUTE 9
 BRECKENRIDGE, et al., (Doc. 5) 10 Defendants. FOURTEEN-DAY DEADLINE 11 12 I.
 Background 13 Plaintiff Pastor Isabel Vela, proceeding pro se, filed this civil action on September
 23, 14 2025.

(Doc. 1.) Plaintiff failed to pay the \$405.00 filing fee or submit a completed application to 15
 proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Accordingly, on November 5, 2025, the
 16 Court directed Plaintiff to submit a completed and signed application to proceed in forma 17
 pauperis or, in the alternative, pay the \$405.00 filing fee for this action within thirty days after 18
 service.

(Doc. 5.) Plaintiff has not filed an application to proceed in forma pauperis or paid the 19 filing
 fee, and the deadline in which to do so has expired. 20 II. Failure to Prosecute and Failure to Obey
 a Court Order 21 A. Legal Standard 22 Local Rule 110 provides that “[f]ailure... of a party to
 comply with these Rules or with 23 any order of the Court may be grounds for imposition by the
 Court of any and all sanctions...

24 within the inherent power of the Court.” District courts have the inherent power to control their
 25 dockets and “[i]n the exercise of that power they may impose sanctions including, where 26
 appropriate,... dismissal.” Thompson v. Hous. Auth., 782 F.2d 829, 831 (9th Cir. 1986). A 27 court
 may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, 28 failure
 to obey a court order, or failure to comply with local rules.

See, e.g., Ghazali v. Moran, 46 1 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
 local rule); Ferdik v. Bonzelet, 2 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to

comply with an order requiring 3 amendment of complaint); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130–33 (9th Cir. 1987) 4 (dismissal for failure to comply with court order).

5 In determining whether to dismiss an action, the Court must consider several factors: (1) 6 the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 7 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 8 cases on their merits; and (5) the availability of less drastic sanctions.

Henderson v. Duncan, 779 9 F.2d 1421, 1423 (9th Cir. 1986); *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). 10 B. Discussion 11 Here, Plaintiff’s in forma pauperis application or payment of the filing fee is overdue, and 12 she has failed to comply with the Court’s order.

The Court cannot effectively manage its docket 13 if Plaintiff ceases litigating her case, nor can the Court allow the case to remain idle on the docket 14 awaiting Plaintiff’s compliance. Thus, the Court finds that both the first and second factors weigh 15 in favor of dismissal. 16 The third factor, risk of prejudice to defendant, also weighs in favor of dismissal, since a 17 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action.

18 *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor usually weighs against 19 dismissal because public policy favors disposition on the merits. *Pagtalunan v. Galaza*, 291 F.3d 20 639, 643 (9th Cir. 2002).

However, “this factor lends little support to a party whose 21 responsibility it is to move a case toward disposition on the merits but whose conduct impedes 22 progress in that direction,” which is the case here. In *re Phenylpropanolamine (PPA) Products* 23 *Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006) (citation omitted). 24 Finally, the Court’s warning to a party that failure to obey the court’s order will result in 25 dismissal satisfies the “considerations of the alternatives” requirement.

Ferdik, 963 F.2d at 1262; 26 *Malone*, 833 at 132–33; *Henderson*, 779 F.2d at 1424. The Court’s order issued on November 5, 27 2025, warned Plaintiff that the failure to comply with the Court’s order by filing an application to 28 proceed in forma pauperis or paying the filing fee would result in dismissal of this action. (Doc. 1 5.)

Thus, Plaintiff had adequate warning that dismissal could result from noncompliance. 2 Additionally, at this stage in the proceedings there is little available to the Court that 3 would constitute a satisfactory lesser sanction while protecting the Court from further 4 unnecessary expenditure of its scarce resources.

As Plaintiff has not submitted a completed 5 application to proceed in forma pauperis and has failed to pay the filing fee, monetary sanctions 6 likely would be of little use. Further, the preclusion of evidence or witnesses is likely to have no 7 effect given that Plaintiff has ceased

litigating this case. 8 III. Conclusion and Recommendation 9 Having considered the relevant factors, the Court finds that dismissal is the appropriate 10 sanction and HEREBY RECOMMENDS that this action be dismissed, without prejudice, for 11 failure to obey a court order and for Plaintiff's failure to prosecute this action.

12 These Findings and Recommendation will be submitted to the United States District Judge 13 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen 14 (14) days after being served with these Findings and Recommendation, Plaintiff may file written 15 objections with the Court.

The document should be captioned "Objections to Magistrate Judge's 16 Findings and Recommendation." Objections, if any, shall not exceed fifteen (15) pages or 17 include exhibits. Exhibits may be referenced by document and page number if already in 18 the record before the Court. Any pages filed in excess of the 15-page limit may not be 19 considered. Plaintiff is advised that failure to file objections within the specified time may result 20 in the waiver of the "right to challenge the magistrate's factual findings" on appeal.

Wilkerson v. 21 Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 22 (9th Cir. 1991)). 23 IT IS SO ORDERED. 24 25 Dated: December 15, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 26 27 28