

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PRECEDENTIAL VALUE	nonprecedential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)

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