

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Christian Muniz Rabino v. Lisa Chamlee Brainard, et al.

Rabino · No. 2:25-cv-01996-CDS-NJK · Decided December 3, 2025

OPINION

Brainard

PER CURIAM.

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2 UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3 4 Christian Muniz Rabino, Case No. 2:25-cv-01996-CDS-NJK 5 Plaintiff Order Adopting the
Magistrate Judge’s Report and Recommendation 6 v. 7 Lisa Chamlee Brainard, et al., [ECF No. 4]
8 Defendants 9 10 Plaintiff Christian Muniz Rabino commenced this civil action against Lisa
Brainard and 11 the Clark County Office of the Special Public Defender without submitting a
filing fee. On

12 October 20, 2025, United States Magistrate Judge Nancy J. Koppe ordered Rabino to file an
13 application to proceed in forma pauperis (IFP) or pay the full \$405 filing fee no later than
November 14 3, 2025. Order, ECF No. 3. Rabino was warned that failure to comply would result
in dismissal 15 without prejudice. Id. at 2. The deadline passed, and Rabino did not pay the \$405
filing fee, nor 16 did he complete an IFP application. So Judge Koppe issued a report and
recommendation (R&R) 17 that I dismiss Rabino’s action for failure to comply with the court’s
October 20, 2025 order. R&R, 18 ECF No. 4. 19 Rabino had until November 26, 2025, to file any
objections to the magistrate judge’s 20 R&R. Id. at 3 (citing Local Rule IB 3-2(a) (stating that
parties wishing to object to the findings 21 and recommendations must file specific written
objections within fourteen days)); see also 28 22 U.S.C. § 636(b)(1)(C) (same). That deadline also
passed, and no objection is filed. The law is clear 23 that “no review is required of a magistrate
judge’s report and recommendation unless objections 24 are filed.” Schmidt v. Johnstone, 263 F.
Supp. 2d 1219, 1226 (D. Ariz. 2003); see also Thomas v. Arn, 474 25 U.S. 140, 150 (1985);
United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). 26 1 I. Discussion 2 District
courts have the inherent power to control their dockets and “[i]n the exercise of 3 that power, they
may impose sanctions including, where appropriate . . . dismissal” of a case. 4 Thompson v. Hous.
Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an 5 action
based on a party’s failure to obey a court order or comply with local rules. See Carey v. King, 6
856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule
7 requiring pro se plaintiffs to keep court apprised of address); Malone v. U.S. Postal Service, 833
F.2d 8 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining

whether 9 to dismiss an action on one of these grounds, the court must consider: “(1) the public’s interest in 10 expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of 11 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and 12 (5) the availability of less drastic sanctions.” See *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 13 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130). 14 The first two factors, the public’s interest in expeditiously resolving this litigation and 15 the court’s interest in managing its docket, weigh in favor of dismissing Rabino’s claims. The third 16 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of 17 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or 18 prosecuting an action. See *Anderson v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor, 19 the public policy favoring disposition of cases on their merits, is greatly outweighed by the factors 20 favoring dismissal. 21 The fifth factor requires me to consider whether less drastic alternatives can be used to 22 correct the party’s failure that brought about the need to consider dismissal. See *Yourish v. Cal. 23 Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic alternatives 24 before the party has disobeyed a court order does not satisfy this factor); accord *Pagtalunan v. Galaza*, 25 291 F.3d 639, 643 & n.4 (9th Cir. 2002). Courts “need not exhaust every sanction short of 26 dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this court cannot operate without 2 {collecting reasonable fees, and litigation cannot progress without a plaintiff’s compliance with 3 orders, the only alternative is to enter a second order setting another deadline. But issuing a 4||second order will only delay the inevitable and I find that setting another deadline is not a 5 ||meanineful alternative here. So the fifth factor favors dismissal. Having thoroughly considered 6 ||these dismissal factors, I find that they weigh in favor of dismissal. 7 Conclusion 8 IT IS HEREBY ORDERED that the magistrate judge’s report and recommendation [ECF 9||No. 4] is accepted and adopted in its entirety. This action is dismissed without prejudice based 10 Rabino’s failure to comply with this court’s order. The Clerk of Court is kindly directed to enter judgment accordingly and to close this 12 |Icase. /,) 13 Dated: December 3, 2025 LZ (14 L A —_ 5 Cris#ing/D. Silva” Un ef States District Judge 16 17 18 19 20 21 22 23 24 25 26