

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Graves v. Unknown

Graves · No. 2:24-cv-2642-JDP (P) · Decided May 29, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Charles Graves’s habeas action without prejudice. The recommendation is based on failure to state a claim, failure to prosecute, and failure to comply with orders requiring an amended petition and a response to an order to show cause.

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	May 29, 2025
DOCKET	2:24-cv-2642-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. After screening determined that the petition failed to state a claim, the court granted leave to amend. When petitioner failed to file an amended petition and failed to respond to an order to show cause, the magistrate judge issued findings and recommendations that the action be dismissed without prejudice.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey court orders, or failure to comply with local rules is evaluated under the five-factor framework addressing the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charles Graves v. Unknown

TOPICS

federal habeas corpus

sanctions

civil procedure

post-conviction relief

PRACTICE AREAS

federal habeas corpus

civil procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to state a claim, failure to prosecute, and failure to comply with court orders.
2. Whether the five-factor dismissal framework and consideration of less drastic alternatives support dismissal where the petitioner ignored an order to amend and a subsequent order to show cause.

HOLDINGS

1. A federal court may dismiss an action, including a habeas action, for failure to prosecute, failure to obey a court order, or failure to comply with local rules, pursuant to its inherent authority to control its docket.
2. Dismissal without prejudice is warranted because the relevant factors favor dismissal after petitioner ignored the order to amend and the order to show cause, and the court provided adequate warning that noncompliance would result in 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)

“Accordingly, I find that the balance of factors weighs in favor of dismissal.” (at 2)

FACTUAL BACKGROUND

The petition was screened and found deficient because it failed to state a claim. Petitioner was given thirty days to file an amended petition but did not do so. After receiving an order to show cause expressly warning that noncompliance could result in dismissal, petitioner failed to respond.

PROCEDURAL HISTORY

On March 3, 2025, the court screened the petition, found that it failed to state a claim, and granted petitioner thirty days to amend. Petitioner did not timely amend, so the court issued an April 9, 2025 order to show cause why the action should not be dismissed for failure to state a claim, failure to prosecute, and failure to comply with court orders. Petitioner did not respond, and the magistrate judge recommended dismissal without prejudice and closure of the case, subject to review by an assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

dismissed

CASES CITED

- *Bautista v. Los Angeles County*, 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 Service*, 833 F.2d 128, 130 (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)

OPINION

(HC) *Graves v. Unknown*

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 CHARLES GRAVES, Case No. 2:24-cv-2642-JDP (P) 12 Petitioner,

13 v. ORDER; FINDINGS AND

RECOMMENDATIONS

14 UNKNOWN,

15 Respondent. 16

17 On March 3, 2025, the court screened the petition and found that it failed to state a claim. 18
The court granted petitioner thirty days to file an amended petition. ECF No. 6. Petitioner did 19
not timely file an amended petition, therefore, on April 9, 2025, the court ordered petitioner to 20
show cause why this action should not be dismissed for his failure to state a claim, failure to 21
prosecute, and failure to comply with court orders. ECF No. 7. Petitioner has not responded to 22
the order to show cause, and the time to do so has passed. Accordingly, dismissal of the action is
23 warranted. 24 The court has the inherent power to control its docket and may, in the exercise of
that 25 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles*
Cnty., 26 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party
to 27 comply with these Rules or with any order of the Court may be grounds for imposition by
the 28 Court of any and all sanctions . . . within the inherent power of the Court.”). 1 A court may
dismiss an action based on a party’s failure to prosecute an action, failure to 2 obey a court order,
or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 3 (9th Cir. 1995)
(dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 4 1260-61 (9th
Cir. 1992) (dismissal for failure to comply with an order to file an amended 5 complaint); *Carey v.*
King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 6 comply with local rule
requiring pro se plaintiffs to keep court apprised of address); *Malone v.* 7 *U.S. Postal Serv.*, 833

F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules). In recommending that this action be dismissed for 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.” Ferdik, 963 F.2d at 1260-61 (citation omitted). Here, petitioner has failed to respond to court orders directing him to file an amended petition. See ECF Nos. 6 & 7. Therefore, the public interest in expeditious resolution of litigation, the court’s need to manage its docket, and the risk of prejudice to the respondent all support imposition of the sanction of dismissal. Lastly, my warning to petitioner that failure to obey court orders will result in dismissal satisfies the “considerations of the alternatives” requirement. Ferdik, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779 F.2d at 1424. Specifically, the April 9 order expressly warned petitioner that his failure to comply with court orders would result in dismissal. ECF No. 7. Petitioner had adequate warning that dismissal could result from his noncompliance. Accordingly, I find that the balance of factors weighs in favor of dismissal. Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district judge to this matter. Further, it is hereby RECOMMENDED that: 1. This action be DISMISSED without prejudice for failure to state a claim, failure to prosecute, and failure to comply with court orders for the reasons set forth in the March 3, 2025 order. 2. The Clerk of Court be directed to close the case. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Yist, 951 F.2d 1153 (9th Cir. 14 | 1991). 15 16 IT IS SO ORDERED. 17 (1 Sy — Dated: _ May 29, 2025 a———

18 JEREMY D. PETERSON

19 UNITED STATES MAGISTRATE JUDGE

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