

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.

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 8 order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 9 prosecution and failure to comply with local rules). 10 In recommending that this action be dismissed for failure to comply with court orders, I 11 have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s 12 need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy 13 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” 14 Ferdik, 963 F.2d at 1260-61 (citation omitted). 15 Here, petitioner has failed to respond to court orders directing him to file an amended 16 petition. See ECF Nos. 6 & 7. Therefore, the public interest in expeditious resolution of 17 litigation, the court’s need to manage its docket, and the risk of prejudice to the respondent all 18 support imposition of the sanction of dismissal. Lastly, my warning to petitioner that failure to 19 obey court orders will result in dismissal satisfies the “considerations of the alternatives” 20 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 at 132-33; Henderson, 779 F.2d at 1424. 21 Specifically, the April 9 order expressly warned petitioner that his failure to comply with court 22 orders would result in dismissal. ECF No. 7. Petitioner had adequate warning that dismissal 23 could result from his noncompliance. Accordingly, I find that the balance of factors weighs in 24 favor of dismissal. 25 Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district 26 judge to this matter. 27 28 1 Further, it is hereby RECOMMENDED that: 2 1. This action be DISMISSED without prejudice for failure to state a claim, failure to 3 | prosecute, and failure to comply with court orders for the reasons set forth in the March 3, 2025 4 | order. 5 2. The Clerk of Court be directed to close the case. 6 These findings and recommendations are submitted to the United States District Judge 7 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 8 | service of these findings and recommendations, any party may file written objections with the 9 | court and serve a copy on all parties. Any such document should be captioned “Objections to 10 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 11 | within fourteen days of service of the objections. The parties are advised that failure to file 12 | objections within the specified time may waive the right to appeal the District Court’s order. See 13 | 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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