

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PRECEDENTIAL VALUE	nonprecedential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

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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)

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