

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Bryan Mitchell v. H. Gomez, et al.

Mitchell v. Gomez · No. 2:25-cv-05847-SVW-DTB · Decided November 7, 2025

SUMMARY

The court dismissed Bryan Mitchell’s civil action without prejudice because he neither paid the filing fee nor submitted a complete in forma pauperis request. The dismissal followed the plaintiff’s failure to comply with a prior order within the allotted 30-day period.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	November 7, 2025
DOCKET	2:25-cv-05847-SVW-DTB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court dismissed the civil rights action without prejudice after Plaintiff failed either to pay the filing fee or submit a complete in forma pauperis request within the court-ordered period.
PRECEDENTIAL VALUE	unpublished
PARTIES	Bryan Mitchell v. H. Gomez, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to pay the filing fee or submit a complete in forma pauperis request after being ordered to do so.

HOLDINGS

1. A civil action in federal district court requires payment of the filing fee unless the plaintiff is granted leave to proceed in forma pauperis; prisoners who receive in forma pauperis status remain responsible for the fee through installment payments.
2. The court may dismiss an action without prejudice when a plaintiff fails to comply with an order requiring payment of the filing fee or submission of a complete in forma pauperis request.

KEY QUOTATIONS

“The authority . . . to dismiss sua sponte for lack of prosecution . . . [is] vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”

FACTUAL BACKGROUND

Plaintiff initiated a civil action but did not pay the filing fee. His request to proceed in forma pauperis was incomplete, and the court gave him 30 days either to submit a fully completed request or pay the full fee. Plaintiff did not comply with that order.

PROCEDURAL HISTORY

Plaintiff filed a civil action and an incomplete request to proceed in forma pauperis. On September 10, 2025, the court postponed ruling on the request and directed Plaintiff to file a complete request or pay the filing fee within 30 days, warning that noncompliance would result in dismissal without prejudice. Plaintiff did not respond, and the court dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Johnson v. High Desert State Prison, 127 F.4th 123, 126, 128 (9th Cir. 2025)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- Allen v. United States Dist. Ct. Dist. of Nevada, 2022 WL 16702429, at *2 (D. Nev. Oct. 25, 2022)

OPINION

Bryan Mitchell v. H. Gomez, et al.

PER CURIAM.

JS-6

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-05847-SVW-DTB Date: November 7, 2025 Title: Bryan Mitchell v. H. Gomez, et al. Present: The Honorable STEPHEN V. WILSON, U.S. District Judge Daniel Tamayo Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys

Present for Defendants: None Present None Present Proceedings (In Chambers): ORDER
DISMISSING CASE FOR FAILURE TO
PAY FILING FEE OR FILE A COMPLETE
IN FORMA PAUPERIS REQUEST

All parties instituting a civil action, suit, or proceeding in a district court of the United States must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay the filing fee only if the party is granted leave to proceed in forma pauperis ("IFP") under 28 U.S.C. § 1915(a)(1). However, prisoners must still pay the filing fee but may do so through monthly installment payments if granted IFP. 28 U.S.C. § 1915(b); *Johnson v. High Desert State Prison*, 127 F.4th 123, 126, 128 (9th Cir. 2025). On September 10, 2025, the Court postponed ruling on Plaintiff's IFP request ("Request") because it was incomplete. Dkts. 2, 4. The Court directed Plaintiff to either: (1) refile a fully completed Request; or (2) pay the full filing fee. Dkt. 4. The Court warned that if Plaintiff did not comply within 30 days, the case would be dismissed without prejudice. Id. JS-6

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-05847-SVW-DTB Date: November 7, 2025 Title: Bryan Mitchell v. H. Gomez, et al. To date, Plaintiff has not responded to the Court's Order. Accordingly, this action is DISMISSED without prejudice. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962) ("The authority . . . to dismiss sua sponte for lack of prosecution . . . [is] vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases."); *Allen v. United States Dist. Ct. Dist. of Nevada*, 2022 WL 16702429, at *2 (D. Nev. Oct. 25, 2022) (dismissing § 1983 action where inmate failed qualify for IFP or pay filing fee). IT IS SO ORDERED.