

**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.

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.

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