

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

E.J. McElroy v. Sgt. Guzman, et al.

McElroy v. Guzman · No. 1:25-cv-00748 JLT BAM (PC) · Decided November 24, 2025

SUMMARY

The court denied Plaintiff E.J. McElroy’s motion for an additional extension of time to pay the filing fee. The court dismissed the § 1983 action without prejudice because Plaintiff failed to comply with the court’s order and pay the required filing fee. The Clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 24, 2025
DOCKET	1:25-cv-00748 JLT BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, sought an additional extension of time to pay the filing fee after the court denied in forma pauperis status under the three-strikes bar. The district court denied the extension motion and dismissed the action without prejudice for failure to obey the court's order and failure to pay the filing fee.
STANDARD OF REVIEW	The court exercised its authority to dismiss for failure to obey a court order, applying the principles recognized in <i>Ferdik v. Bonzelet</i> .
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- Civil rights
- Prisoner litigation
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to another extension of time to pay the filing fee.
2. Whether the action should be dismissed without prejudice for failure to obey the court's order and failure to pay the required filing fee.

HOLDINGS

1. A further extension was not warranted because Plaintiff had ample time to pay the filing fee, provided no indication that he could obtain the funds within a reasonable time, and relied on speculative strategies for acquiring the money.
2. The action was dismissed without prejudice because Plaintiff failed to comply with the court's order requiring payment of the filing fee.

KEY QUOTATIONS

“Because Plaintiff has failed to obey the Court’s order and pay the appropriate filing fee, and Plaintiff has presented no indication that she has the means to pay the filing fee, this case cannot proceed.”

FACTUAL BACKGROUND

Plaintiff is a state prisoner who was denied in forma pauperis status under the three-strikes provision of 28 U.S.C. § 1915(g) and was ordered to pay the \$405 filing fee. After receiving multiple extensions, Plaintiff still had not paid the fee by the November 10, 2025 deadline. Plaintiff sought another 60-day extension, citing limited law-library access, disability and mental-health issues, difficulty accessing legal property, and the need to research financial-transfer options and contact potential sources of funds.

PROCEDURAL HISTORY

The magistrate judge recommended denying Plaintiff’s application to proceed in forma pauperis because Plaintiff was subject to 28 U.S.C. § 1915(g), and recommended that Plaintiff be ordered to pay the \$405 filing fee. The district court adopted those recommendations and granted multiple extensions, but Plaintiff did not pay by the final deadline of November 10, 2025. Plaintiff then moved for another 60-day extension, which the court denied before dismissing the action without prejudice and directing the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992)

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