

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Justin C. Waters v. Bean, et al.

No. 2:25-cv-01832-GMN-MDC (D. Nev. Dec. 19, 2025) · No. 2:25-cv-01832-GMN-MDC · Decided December 19, 2025

SUMMARY

The United States District Court for the District of Nevada dismissed Justin C. Waters’s 42 U.S.C. § 1983 action without prejudice. The court found that Waters failed to file a signed complaint and address the filing fee or proceed in forma pauperis as required by a prior order, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Gloria M. Navarro
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 19, 2025
DOCKET	2:25-cv-01832-GMN-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983 but failed to comply with an order requiring him to file a signed complaint and either pay the filing fee or submit a complete application to proceed in forma pauperis.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal based on failure to obey a court order or comply with court rules.
PRECEDENTIAL VALUE	Unknown
PARTIES	Justin C. Waters v. Bean, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because plaintiff failed to comply with the court's order requiring a signed complaint and resolution of the filing fee.

HOLDINGS

1. A district court may dismiss an action when a party fails to obey a court order or comply with applicable court rules, after considering the relevant dismissal factors.
2. The public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, and the availability of meaningful lesser sanctions outweighed the policy favoring disposition on the merits; dismissal was therefore warranted.

KEY QUOTATIONS

“[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” (at 1)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 2)

FACTUAL BACKGROUND

Waters filed a civil-rights lawsuit alleging constitutional violations suffered while incarcerated with the Nevada Department of Corrections. The court ordered him to file a signed complaint and either pay the \$405 filing fee or submit a complete in forma pauperis application. He provided no response before the December 2, 2025 deadline.

PROCEDURAL HISTORY

The court ordered Waters on October 6, 2025, to file a signed complaint and address the filing fee by December 2, 2025. Waters did not respond by the deadline. The district court dismissed the action without prejudice, directed entry of judgment, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- 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)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)

- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 JUSTIN C. WATERS,
Case No. 2:25-cv-01832-GMN-MDC 4 Plaintiff, ORDER DISMISSING AND CLOSING v.
CASE 5 BEAN, et al., 6 Defendants. 7 8 Plaintiff Justin Waters brings this civil-rights lawsuit
under 42 U.S.C. § 1983 to redress 9 constitutional violations that he allegedly suffered while
incarcerated with the Nevada Department 10 of Corrections.

On October 6, 2025, the Court ordered Waters to file a signed complaint and either 11 pay the full
\$405 filing fee or file a complete application to proceed in forma pauperis on or before 12
December 2, 2025. (ECF No. 3). That deadline expired without any response by Waters. 13 I.
DISCUSSION 14 District courts have the inherent power to control their dockets and “[i]n the
exercise of 15 that power, they may impose sanctions including, where appropriate... dismissal” of
a case.

16 Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court
may 17 dismiss an action based on a party’s failure to obey a court order or comply with local
rules. See 18 Carey v. King, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for
failure to comply 19 with local rule requiring pro se plaintiffs to keep court apprised of address);
Malone v. U.S. Postal 20 Service, 833 F.2d 128, 130 (9th Cir.

1987) (dismissal for failure to comply with court order). In 21 determining whether to dismiss an
action on one of these grounds, the Court must consider: (1) the 22 public’s interest in expeditious
resolution of litigation; (2) the Court’s need to manage its docket; 23 (3) the risk of prejudice to
the defendants; (4) the public policy favoring disposition of cases on 24 their merits; and (5) the
availability of less drastic alternatives.

See In re Phenylpropanolamine 25 Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting
Malone, 833 F.2d at 130). 1 The first two factors, the public’s interest in expeditiously resolving
this litigation and the 2 Court’s interest in managing its docket, weigh in favor of dismissal of the
plaintiff’s claims.

The 3 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a 4
presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
ordered 5 by the court or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th
Cir. 1976). 6 The fourth factor—the public policy favoring disposition of cases on their merits—is
greatly 7 outweighed by the factors favoring dismissal.

8 The fifth factor requires the Court to consider whether less drastic alternatives can be used 9 to
correct the party’s failure that brought about the Court’s need to consider dismissal. See Yourish
10 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic 11

alternatives before the party has disobeyed a court order does not satisfy this factor); accord 12 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir.

2002). Courts “need not exhaust every 13 sanction short of dismissal before finally dismissing a case, but must explore possible and 14 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

Because 15 this Court cannot operate without collecting reasonable fees, and litigation cannot progress without 16 a signed complaint and Waters’s compliance with the Court’s orders, the only alternative is to 17 enter a second order setting another deadline. But repeating an ignored order often only delays 18 the inevitable and further squanders the Court’s finite resources.

The circumstances here do not 19 indicate that this case will be an exception. 20 Setting another deadline is not a meaningful alternative given these circumstances. So, the 21 fifth factor favors dismissal. Having thoroughly considered these dismissal factors, the Court finds 22 that they weigh in favor of dismissal. 23 II. CONCLUSION 24 IT IS HEREBY ORDERED that this action is dismissed without prejudice based on the 25 plaintiff’s failure to file a signed complaint and address the matter of the filing fee in compliance 1 || with the Court’s order.

The Clerk of Court is kindly directed to enter judgment accordingly and 2 || close this case. If Justin Waters wishes to pursue his claims, he must file a signed complaint in a 3 || new case, address the matter of the filing fee, and provide the Court his updated address. 4 5 DATED this 19 day of December, 2025. Vf, 7 Gloria M. va arro, District Judge United States District Court 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25