

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

OPINION

Waters

PER CURIAM.

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