

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodgers-Castillo v. Allen

No. 1:25-cv-00623-BAM (PC) (E.D. Cal. July 15, 2025) · No. 1:25-cv-00623-BAM (PC) · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Manuel Rodgers-Castillo’s prisoner civil rights action with prejudice. The recommendation is based on failure to state a claim, failure to obey an order requiring an amended complaint after severance, and failure to prosecute. The court also directs the clerk to randomly assign a district judge and allows fourteen days for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	1:25-cv-00623-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se state prisoner proceeding in forma pauperis filed a civil rights action under 42 U.S.C. § 1983 jointly with another prisoner. After the other plaintiff was released, the court ordered severance and directed Plaintiff to file an individual amended complaint. Plaintiff failed to comply, and the magistrate judge issued findings and recommendations recommending dismissal with prejudice.
STANDARD OF REVIEW	The complaint was subject to screening under 28 U.S.C. § 1915A. Dismissal for failure to prosecute or obey a court order was evaluated under the Ninth Circuit's five-factor test addressing expeditious resolution, docket management, prejudice, disposition on the merits, and availability of less drastic sanctions.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations; not a final adjudication unless adopted by the assigned district judge.

PARTIES

Manuel Rodgers-Castillo v. Allen, et al.

TOPICS

prisoners rights

section 1983

pleadings

sanctions

civil procedure

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal pleading and screening

Failure to prosecute and sanctions

QUESTIONS PRESENTED

1. Whether the complaint failed to state a cognizable claim because it did not identify which allegations and claims applied to Plaintiff.
2. Whether dismissal with prejudice was appropriate for Plaintiff's failure to obey the order directing him to file an amended complaint.
3. Whether dismissal with prejudice was appropriate for failure to prosecute.

HOLDINGS

1. A prisoner complaint may be dismissed at screening when it fails to provide sufficient factual clarity and plausibility to identify cognizable claims against the named defendants. Because the complaint did not identify which allegations applied to Plaintiff and which applied to the other plaintiff, the court could not determine that Plaintiff stated a cognizable claim.
2. A district court may dismiss an action with prejudice when a party fails to obey a court order or fails to prosecute, after considering the applicable dismissal factors and whether less drastic sanctions are available. Plaintiff's failure to file the ordered amended complaint, despite an express warning that noncompliance could result in dismissal, supported dismissal with prejudice.

KEY QUOTATIONS

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (at 3)

“In determining whether to dismiss an action, the Court must consider several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” (at 5)

FACTUAL BACKGROUND

Manuel Rodgers-Castillo, a state prisoner proceeding pro se and in forma pauperis, brought a § 1983 action jointly with Milton Rodgers-Castillo. After Milton was released from custody, the court determined that the action should be severed because of the procedural problems associated with a joint action involving an incarcerated plaintiff and an out-of-custody plaintiff, as well as uncertainty about which allegations applied to

each plaintiff. Plaintiff was ordered to file an individual amended complaint by June 30, 2025, but failed to do so or otherwise communicate with the court.

PROCEDURAL HISTORY

The action was initiated jointly on March 12, 2025. Following the release of Milton Rodgers-Castillo, the court ordered the action severed under Federal Rule of Civil Procedure 21 and directed Plaintiff to file a personally signed amended complaint by June 30, 2025, expressly warning that noncompliance could result in dismissal. Plaintiff filed neither an amended complaint nor a notice of voluntary dismissal, leading the magistrate judge to recommend dismissal with prejudice for failure to state a claim, failure to obey a court order, and failure to prosecute.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Doe I v. Wal-Mart Stores, Inc., 572 F.3d 677, 681 (9th Cir. 2009)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Thompson v. Housing Authority, 782 F.2d 829, 831 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61, 1262 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(PC) Rodgers-Castillo v. Allen

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 EASTERN DISTRICT OF CALIFORNIA

6 7 MANUEL RODGERS-CASTILLO, Case No. 1:25-cv-00623-BAM (PC) 8 Plaintiff, ORDER

DIRECTING CLERK OF COURT TO
RANDOMLY ASSIGN DISTRICT JUDGE TO

9 v. ACTION

10 ALLEN, et al., FINDINGS AND RECOMMENDATIONS TO
DISMISS ACTION, WITH PREJUDICE, FOR

11 Defendants. FAILURE TO STATE A CLAIM, FAILURE
TO OBEY COURT ORDER, AND FAILURE

12 TO PROSECUTE

13 (ECF No. 23)

14 FOURTEEN (14) DAY DEADLINE

15 16 I. Background 17 Plaintiff Manuel Rodgers-Castillo (“Plaintiff”) is a state prisoner
proceeding pro se and in 18 forma pauperis in this civil rights action under 42 U.S.C. § 1983. 19
This action was initiated jointly with Milton Rodgers-Castillo on March 12, 2025, while 20 he and
Plaintiff were both in custody. (ECF No. 1.) Following Milton Rodgers-Castillo’s release 21 from
custody, the Court ordered Plaintiff and Milton Rodgers-Castillo to show cause why this 22 action
should not be severed pursuant to Federal Rule of Civil Procedure 21. (ECF No. 18.) 23 Following
the May 19, 2025 response, the Court found that the action should be severed based on 24 the
procedural problems faced by an action brought by an in-custody plaintiff and an out-of- 25
custody plaintiff, and the Court’s inability to determine whether the complaint stated any 26
cognizable claims as to either plaintiff. (ECF No. 23.) The Court directed that the action be 27
severed, that each plaintiff proceed with their own action, and that each plaintiff file an amended
28 complaint in their own action within thirty days. Plaintiff’s first amended complaint, personally
1 signed and including the case number for this action, or a notice of voluntary dismissal, was 2
therefore due on or before June 30, 2025. Plaintiff was explicitly warned that failure to comply 3
with the Court’s order would result in dismissal of Plaintiff’s individual action. (Id. at 6.) 4
Plaintiff failed to file an amended complaint or otherwise communicate with the Court, and the 5
deadline to do so has expired. 6 II. Failure to State a Claim 7 A. Screening Requirement 8 The
Court is required to screen complaints brought by prisoners seeking relief against a 9
governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. 10
§ 1915A(a). Plaintiff’s complaint, or any portion thereof, is subject to dismissal if it is frivolous 11
or malicious, if it fails to state a claim upon which relief may be granted, or if it seeks monetary 12
relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915A(b). 13 A complaint
must contain “a short and plain statement of the claim showing that the 14 pleader is entitled to
relief” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are not 15 required, but
“[t]hreadbare recitals of the elements of a cause of action, supported by mere 16 conclusory
statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell 17 Atlantic*
Corp. v. Twombly, 550 U.S. 544, 555 (2007)). While a plaintiff’s allegations are taken as 18 true,
courts “are not required to indulge unwarranted inferences.” *Doe I v. Wal-Mart Stores, Inc.*, 19 572

F.3d 677, 681 (9th Cir. 2009) (internal quotation marks and citation omitted). 20 To survive screening, Plaintiff's claims must be facially plausible, which requires 21 sufficient factual detail to allow the Court to reasonably infer that each named defendant is liable 22 for the misconduct alleged. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss v. U.S. Secret Serv.*, 572 F.3d 962, 969 (9th Cir. 2009). The sheer possibility that a defendant acted unlawfully 24 is not sufficient, and mere consistency with liability falls short of satisfying the plausibility 25 standard. *Iqbal*, 556 U.S. at 678 (quotation marks omitted); *Moss*, 572 F.3d at 969. 26 B. Discussion 27 Based on the complaint as currently drafted, the Court cannot decipher which claims or 28 factual allegations apply to Plaintiff, to Milton Rodgers-Castillo, or to both. While some portions 1 of the complaint raise allegations as to both jointly, large portions refer to only a single plaintiff, 2 without ever specifying if those claims or allegations are related to Plaintiff or Milton Rodgers- 3 Castillo. For example, the complaint states in part: 4 On these ICC hearings days the Previously Mention defendants Offended my intelligence by denying me to Present written defense or Constantly Interrupting 5 Plaintiff Verbal defense to the stated reason and circumstance for R.H.U. during classification hearing. It's my belief it was committee Members intentionally 6 intimidating Plaintiff to shut up, during these hearings They Never Record on the 7 Record what's really transpiring. None of my Protest Against being Release to "C" or "d" yard of Facility "d" or "C." 8 9 (ECF No. 1, p. 4 (unedited text).) In other parts of the complaint, allegations are attributed to 10 Plaintiff #1—apparently Milton Rodgers-Castillo, (*id.* at 10:8; 11:21.5)—before again referring 11 only to "Plaintiff" or using pronouns like "I, my, or me" without further identification. As 12 currently drafted, the Court cannot determine that there are any claims common to Plaintiff and 13 Milton Rodgers-Castillo jointly, or even whether each individual states any cognizable claims 14 supported by the factual allegations presented. Plaintiff was permitted an opportunity to file an 15 individual amended complaint (personally signed by Plaintiff) that complies with the Federal 16 Rules of Civil Procedure and the Local Rules, and he failed to do so. 17 III. Failure to Prosecute and Failure to Obey a Court Order 18 A. Legal Standard 19 Local Rule 110 provides that "[f]ailure . . . of a party to comply with these Rules or with 20 any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . 21 within the inherent power of the Court." District courts have the inherent power to control their 22 dockets and "[i]n the exercise of that power they may impose sanctions including, where 23 appropriate, . . . dismissal." *Thompson v. Hous. Auth.*, 782 F.2d 829, 831 (9th Cir. 1986). A 24 court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, 25 failure to obey a court order, or failure to comply with local rules. See, e.g., *Ghazali v. Moran*, 46 26 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 27 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring 28 amendment of complaint); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130–33 (9th Cir. 1987) 1 (dismissal for failure to comply with court order). 2 In determining whether to dismiss an action, the Court must consider several factors: 3 (1) the public's interest in expeditious resolution of litigation; (2) the Court's

need to manage its 4 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 5 cases on their merits; and (5) the availability of less drastic sanctions. Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986); Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988). 7 B. Discussion 8 Here, Plaintiff's first amended complaint is overdue, and he has failed to comply with the 9 Court's order. The Court cannot effectively manage its docket if Plaintiff ceases litigating his 10 case. Thus, the Court finds that both the first and second factors weigh in favor of dismissal. 11 The third factor, risk of prejudice to defendant, also weighs in favor of dismissal, since a 12 presumption of injury arises from the occurrence of unreasonable delay in prosecuting an action. 13 Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor usually weighs against 14 dismissal because public policy favors disposition on the merits. Pagtalunan v. Galaza, 291 F.3d 15 639, 643 (9th Cir. 2002). However, "this factor lends little support to a party whose 16 responsibility it is to move a case toward disposition on the merits but whose conduct impedes 17 progress in that direction," which is the case here. In re Phenylpropanolamine (PPA) Products 18 Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006) (citation omitted). 19 Finally, the Court's warning to a party that failure to obey the court's order will result in 20 dismissal satisfies the "considerations of the alternatives" requirement. Ferdik, 963 F.2d at 1262; 21 Malone, 833 at 132–33; Henderson, 779 F.2d at 1424. The Court's May 27, 2025 severance 22 order expressly warned Plaintiff that his failure to file an amended complaint would result in 23 dismissal of this action. (ECF No. 23.) Thus, Plaintiff had adequate warning that dismissal could 24 result from his noncompliance. 25 Additionally, at this stage in the proceedings there is little available to the Court that 26 would constitute a satisfactory lesser sanction while protecting the Court from further 27 unnecessary expenditure of its scarce resources. As Plaintiff is proceeding in forma pauperis in 28 this action, it appears that monetary sanctions will be of little use and the preclusion of evidence 1 or witnesses is likely to have no effect given that Plaintiff has ceased litigating his case. 2 IV. Conclusion and Recommendation 3 Accordingly, the Court HEREBY ORDERS the Clerk of the Court to randomly assign a 4 District Judge to this action. 5 Furthermore, the Court finds that dismissal is the appropriate sanction and HEREBY 6 RECOMMENDS that this action be dismissed, with prejudice, for failure to state a claim 7 pursuant to 28 U.S.C. § 1915A, for failure to obey a court order, and for Plaintiff's failure to 8 prosecute this action. 9 These Findings and Recommendation will be submitted to the United States District Judge 10 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b) (l). Within fourteen 11 (14) days after being served with these Findings and Recommendation, the parties may file 12 written objections with the Court. The document should be captioned "Objections to Magistrate 13 Judge's Findings and Recommendation." Objections, if any, shall not exceed fifteen (15) pages 14 or include exhibits. Exhibits may be referenced by document and page number if already in 15 the record before the Court. Any pages filed in excess of the 15-page limit may not be 16 considered. The parties are advised that failure to file objections within the specified time may 17 result in the waiver of the "right to challenge the magistrate's factual

findings” on 18 appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing Baxter v. Sullivan, 19 923 F.2d 1391, 1394 (9th Cir. 1991)). 20 IT IS SO ORDERED. 21 22 Dated: July 15, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE
23 24 25 26 27 28