

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Eric Garcia v. Diken, et al.

Garcia v. Diken · No. 3:25-cv-00416-MMD-CLB · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Nevada dismissed Eric Garcia’s 42 U.S.C. § 1983 action without prejudice after he failed to pay the filing fee or submit a complete application to proceed in forma pauperis. The court concluded that dismissal was warranted under the applicable factors governing dismissal for failure to comply with a court 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	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 7, 2026
DOCKET	3:25-cv-00416-MMD-CLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 civil rights action but failed to pay the filing fee or submit a complete application to proceed in forma pauperis after being ordered to do so.
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PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Eric Garcia v. Diken, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to comply with the court's order to pay the filing fee or submit a complete application to proceed in forma pauperis.
2. Whether the five dismissal factors, including the availability of less drastic alternatives, favored dismissal.

HOLDINGS

1. A district court may dismiss an action as a sanction for a party's failure to obey a court order or comply with applicable court rules.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, and the inadequacy of less drastic alternatives outweighed the public policy favoring disposition on the merits.

KEY QUOTATIONS

“In the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” (at 2)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.”” (at 3)

FACTUAL BACKGROUND

Eric Garcia brought a § 1983 civil rights action concerning alleged constitutional violations while he was incarcerated at Ely State Prison. The court ordered him to pay the \$405 filing fee or file a complete application to proceed in forma pauperis by December 23, 2025. He did neither and did not otherwise respond by the deadline.

PROCEDURAL HISTORY

The Court ordered Garcia to pay the full filing fee or file a complete in forma pauperis application by December 23, 2025, and warned that failure to comply could result in dismissal. Garcia did not pay the fee, file a complete application, or otherwise respond. The district court dismissed the action without prejudice and directed the Clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of L.A., 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 Serv., 833 F.2d 128, 130 (9th Cir. 1987)
- 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)

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