

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Davis v. Doerer

Davis · No. 1:24-cv-1498 · Decided May 1, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed Plaintiff Javaris Davis’s action without prejudice after he failed to pay the filing fee as ordered. The court applied the Ninth Circuit’s factors for terminating sanctions and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 1, 2025
DOCKET	1:24-cv-1498
DISPOSITION	dismissed
PROCEDURAL POSTURE	The prisoner-plaintiff's civil rights action was dismissed without prejudice after he failed to pay the filing fee despite a court order directing him to do so and warning that nonpayment could result in dismissal.
STANDARD OF REVIEW	The Court applied the Ninth Circuit's five-factor test for terminating sanctions and dismissal for failure to obey a court order.
PRECEDENTIAL VALUE	Unknown; unpublished district court order
PARTIES	Javaris Davis v. J. Doerer, et al.

TOPICS

- sanctions
- civil procedure
- prisoners rights
- remedies

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation
- remedies

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to pay the filing fee as ordered.
2. Whether the Ninth Circuit's factors governing terminating sanctions supported dismissal.

HOLDINGS

1. A district court may dismiss an action without prejudice when a plaintiff fails to comply with an order requiring payment of the filing fee after receiving notice that noncompliance may result in dismissal.

KEY QUOTATIONS

“Consequently, the Henderson factors weigh in favor of dismissal for Plaintiff's failure to pay the filing fee as ordered.” (at 2)

FACTUAL BACKGROUND

The Court found that Plaintiff had sufficient funds to pay the filing fee in full when he filed his complaint. Plaintiff was ordered to pay the filing fee and was warned that failure to comply could result in dismissal. More than 30 days passed, but Plaintiff did not pay the required fee.

PROCEDURAL HISTORY

The Court previously found that Plaintiff had sufficient funds to pay the filing fee in full and ordered him to pay it. More than 30 days passed without payment. The Court dismissed the action without prejudice and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Saddozai v. Davis, 35 F.4th 705, 709 (9th Cir. 2022)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1261-1262 (9th Cir. 1992)
- Malone v. United States Postal Service, 833 F.2d 128, 133 n.2 (9th Cir. 1987)

OPINION

(PC) Davis v. Doerer

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 JAVARIS DAVIS, Case No.: 1:24-cv-1498 JLT SKO (PC) 12 Plaintiff, ORDER
DISMISSING ACTION WITHOUT
PREJUDICE FOR PLAINTIFF'S FAILURE TO
13 v. PAY THE FILING FEE

14 J. DOERER, et al., 15 Defendants. 16 17 The Court ordered Plaintiff to pay the filing fee after
finding he had sufficient funds to 18 pay the filing fee in full at the time he filed his complaint.
(Doc. 16.) The Court advised Plaintiff 19 that failure to pay the required filing fee as ordered
would result in dismissal of this action. (Id. at 20 2.) More than 30 days have passed, and Plaintiff
failed to pay the required filing fee. Without 21 such payment, the action cannot proceed before
the Court. See *Saddozai v. Davis*, 35 F.4th 705, 22 709 (9th Cir. 2022). 23 In finding dismissal is
appropriate, the Court has considered the factors outlined by the 24 Ninth Circuit for terminating
sanctions, including: “(1) the public’s interest in expeditious 25 resolution of litigation; (2) the
court’s need to manage its docket; (3) the risk of prejudice to the 26 defendants; (4) the public
policy favoring disposition of cases on their merits; and (5) the 27 availability of less drastic
sanctions.” *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). The public’s interest in
expeditiously resolving this litigation and the Court’s interest in managing 1 | the docket weigh in
favor of dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990 (9th Cir. 2 | 1999) (“The
public’s interest in expeditious resolution of litigation always favors dismissal”); 3 | *Ferdik v.*
Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992) (district courts have inherent interest in 4 |
managing their dockets without being subject to noncompliant litigants). Because Plaintiff 5 ||
delayed the action though his failure to obey the Court’s order to pay the filing fee, the third 6 |
factor also supports dismissal. Finally, the Court’s warning to Plaintiff that the matter could be 7 |
dismissed satisfies the requirement of considering alternative sanctions. *Ferdik*, 963 F.2d at 1262.
8 | Consequently, the *Henderson* factors weigh in favor of dismissal for Plaintiff’s failure to pay the
9 | filing fee as ordered. *Malone v. U.S. Postal Service*, 833 F.2d 128, 133 n.2 (9th Cir. 1987) 10 |
(explaining that although “the public policy favoring disposition of cases on their merits ... 11 |
weighs against dismissal, it is not sufficient to outweigh the other four factors”). Thus, the Court
12 | ORDERS: 13 1. Plaintiff’s complaint is DISMISSED without prejudice. 14 2. The Clerk of the
Court is directed to close this case. 15 16 IT IS SO ORDERED. 17 | Dated: _May 1, 2025 Charis
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TED STATES DISTRICT JUDGE

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