

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.

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 [Tourn

TED STATES DISTRICT JUDGE

18 19 20 21 22 23 24 25 26 27 28