

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Davis v. Doerer

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

OPINION

(PC) Davis v. Doerer

PER CURIAM.

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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