

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Maestas v. Office Department Appeals Correction Board

Maestas · No. 1:23-cv-00668 GSA (PC) · Decided June 5, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissal without prejudice of Randy Maestas’s 42 U.S.C. § 1983 action for failure to prosecute and failure to keep the Court apprised of his current address. The recommendation follows the return of court mail as undeliverable and Plaintiff’s failure to file an amended complaint or a change-of-address notice. Plaintiff was given fourteen days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 5, 2025
DOCKET	1:23-cv-00668 GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se former state prisoner brought a 42 U.S.C. § 1983 action. After screening determined that the complaint failed to state a claim and granted leave to amend, the magistrate judge recommended dismissal without prejudice because the plaintiff failed to file an amended complaint, failed to notify the court of his current address, and failed to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with a court order is evaluated under Federal Rule of Civil Procedure 41(b) and the five Malone factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Randy Maestas v. Office Department Appeals Correction Board

TOPICS

civil procedure

default

civil rights

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the court's order granting leave to amend.
2. Whether plaintiff's failure to keep the court apprised of his current address warranted dismissal under Eastern District of California Local Rules 182(f) and 183(b).
3. Whether application of the Ninth Circuit's five Malone factors supported dismissal without prejudice.

HOLDINGS

1. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) because plaintiff failed to file an amended complaint or otherwise participate in prosecuting the action after being given an opportunity to amend.
2. The magistrate judge recommended dismissal because plaintiff failed to file a change-of-address notice after mail was returned and therefore failed to keep the court apprised of his current address.
3. The magistrate judge recommended dismissal without prejudice because the Malone factors favored ending the action.

KEY QUOTATIONS

“A district court must weigh five factors in determining whether to dismiss a case for failure to comply with a court order: “(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 3)

“It is a plaintiff’s responsibility to keep a court apprised of his current address at all times.” (at 4)

FACTUAL BACKGROUND

Plaintiff filed a § 1983 complaint and was granted leave to proceed in forma pauperis. After screening found that the complaint failed to state a claim, the court gave him thirty days to file an amended complaint. The screening order was returned as undeliverable, a CDCR search produced no result for plaintiff's inmate number, and plaintiff did not notify the court of a new address, request additional time, or file an amended complaint.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an application to proceed in forma pauperis on May 2, 2023. The application was granted, and on March 17, 2025, the complaint was screened and found insufficient to state a claim; plaintiff was given thirty days to amend. The order was returned as undeliverable, plaintiff appeared to have been

released from CDCR custody, and he did not file a change-of-address notice, request an extension, or file an amended complaint. The magistrate judge issued findings and recommendations for dismissal without prejudice and directed that the matter be randomly assigned to a district judge, subject to fourteen days for objections.

DISPOSITION

other

CASES CITED

- *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
- *Thompson v. Housing Authority of City of Los Angeles*, 782 F.2d 829 (9th Cir. 1986) (per curiam)
- *Whitaker v. Superior Court of San Francisco*, 514 U.S. 208, 210 (1994)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

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