

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RANDY MAESTAS, No. 1:23-cv-00668 GSA (PC) 12 Plaintiff, ORDER
AND FINDINGS AND RECOMMENDATION 13 v. ORDER RECOMMENDING DISMISSAL
14 OFFICE DEPARTMENT APPEALS WITHOUT PREJUDICE FOR PLAINTIFF’S
CORRECTION BOARD, FAILURE TO PROSECUTE AND FAILURE 15 TO KEEP COURT
APPRISED OF HIS Defendant.

CURRENT ADDRESS 16 (ECF No. 7) 17 PLAINTIFF’S OBJECTIONS DUE IN 18
FOURTEEN DAYS 19 20 Plaintiff, a former state prisoner proceeding pro se and in forma
pauperis, has filed this 21 civil rights action seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United 22 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 23 For the reasons stated below, the undersigned will recommend that this
matter be 24 dismissed for failure to prosecute and for failure to keep the Court apprised of his
current address. 25 Plaintiff will have fourteen days to file objections to this order.

26 I. RELEVANT FACTS 27 On May 2, 2023, Plaintiff’s complaint and application to proceed in
forma pauperis were 28 docketed. ECF Nos. 1, 2. Shortly thereafter, Plaintiff’s application to
proceed in forma pauperis 1 was granted. ECF No. 5. 2 On March 17, 2025, Plaintiff’s complaint
was screened. ECF No. 7.

In the screening 3 order the Court found that the complaint failed to state a claim upon which
relief could be 4 granted. Id. at 8. As a result, Plaintiff was given the opportunity to file an
amended complaint. 5 Id. He was given thirty days to do so. Id. 6 On April 8, 2025, the Court’s
order which gave Plaintiff the opportunity to file an 7 amended complaint was returned marked

“Undeliverable, Discharged and/or Inactive.” 8 Furthermore, a search for Plaintiff on the California Department of Corrections and 9 Rehabilitation’s (“CDCR”) website under his inmate ID number “BR0576” yields a “No Results” 10 response.

See <https://ciris.mt.cdcr.ca.gov/search>, then input Plaintiff’s Inmate No. “BR0576” 11 (last visited 6/2/25). 12 In sum, Plaintiff is likely no longer in custody at the CDCR. To date Plaintiff has not 13 filed a change of address with the Court, nor has he requested an extension of time to do so. Nor 14 has Plaintiff filed an amended complaint. 15 II. APPLICABLE LAW 16 A. Federal Rule of Civil Procedure 41(b) and Local Rules 182(f) and 183(b) 17 Federal Rule of Civil Procedure 41 permits this Court to dismiss a matter if a plaintiff fails 18 to prosecute or he fails to comply with a court order.

See Fed. R. Civ. P. 41(b). Local Rule 19 182(f) permits service to be effective service at a prior address if a party fails to notify the Court 20 and other parties of his address change. Id. Finally, Local Rule 183(b) gives a party who appears 21 in propria persona a period of time to file a notice of change of address if some of his mail is 22 returned to the Court.

Id. 23 B. Malone Factors 24 The Ninth Circuit has clearly identified the factors to consider when dismissing a case for 25 failure to comply with a court order. It writes: 26 A district court must weigh five factors in determining whether to dismiss a case 27 for failure to comply with a court order: “(1) the public’s interest in expeditious 28 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of 1 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” 2 3 Malone v. United States Postal Service, 833 F.2d 128, 130 (9th Cir.

1987) (quoting Thompson v. 4 Hous. Auth. of City of Los Angeles, 782 F.2d 829 (9th Cir. 1986) (per curiam)). 5 III. DISCUSSION 6 A. Rule 41(b) and Local Rules 182(f) and 183(b) Support Dismissal of This Case 7 Although the docket indicates that Plaintiff’s copy of the order that gave him the 8 opportunity to file an amended complaint was returned to the Court, Plaintiff was properly 9 served.

It is a plaintiff’s responsibility to keep a court apprised of his current address at all times. 10 Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully 11 effective. Furthermore, the fact that Plaintiff has failed to file a notice of change of address with 12 the Court warrants the dismissal of this matter in accord with Rule 41(b) and Local Rule and 13 183(b).

14 B. Application of Malone Factors Supports the Dismissal of This Case 15 1. Expeditious Resolution of Litigation; Court’s Need to Manage Its Docket 16 Plaintiff has been given sufficient time to file a notice of change of address as well as to 17 file an amended complaint. Yet, he has

failed to do either, nor has he contacted the Court to provide exceptional reasons for not having done so.

The Eastern District Court has an unusually large caseload.¹ “[T]he goal of fairly dispensing justice... is compromised when the Court is forced to devote its limited resources to the processing of frivolous and repetitious requests.” *Whitaker v. Superior Court of San Francisco*, 514 U.S. 208, 210 (1994) (brackets added) (citation omitted).

Thus, it follows that The Eastern District of California carries one of the largest and most heavily weighted caseloads in the nation. See Office of the Clerk, United States District Court, Eastern District of California, 2024 Annual Report, “Weighted Filings,” p. 35 (2024) (“[O]ur weighted caseload far exceeds the national average... ranking us fourth in the nation and first in the Ninth Circuit.”).

This problem is compounded by a shortage of jurists to review its pending matters. See generally *id.* (stating 2024 Biennial Judgeship Survey recommended request for four additional permanent judgeships for Eastern District of California). Keeping this case on the Court’s docket when Plaintiff has not attempted to file a notice of current address with the Court or to file an amended complaint is not a good use of the Court’s already taxed resources.

Indeed, keeping this matter on the Court’s docket would stall a quicker disposition of this case. Additionally, in fairness to the many other litigants who currently have cases before the Court, no additional time should be spent on this matter.

2. Risk of Prejudice to Defendants

Furthermore, because viable Defendants have yet to be identified and served in this case, no one has put time and effort into defending against it.

As a result, there will be no prejudice to anyone other than Plaintiff if the matter is dismissed. On the contrary, dismissal will benefit any potentially viable Defendants because they will not have to defend themselves against Plaintiff’s complaint.

3. Availability of Less Drastic Sanctions; Favored Disposition of Cases on Merits

Finally, given that Plaintiff has had sufficient time under the Local Rules to file a change of address,² without any notice from Plaintiff of his new address, there is no less drastic option than dismissal.

Although the disposition of cases on their merits is preferred, this matter cannot be prosecuted without a current address for Plaintiff and without participation by Plaintiff, nor can it be disposed of on its merits.

IV. CONCLUSION

For these reasons, consistent with Federal Rule of Civil Procedure 41(b) and Local Rules 182(f) and 183(b), and having considered the Malone factors, the undersigned recommends that this matter be dismissed without prejudice for failure to prosecute.

Plaintiff will have fourteen days to file a response to these findings and recommendations. Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a

District Judge to this matter. 26 IT IS FURTHER RECOMMENDED that this matter be DISMISSED without prejudice 27 2 In 2025, the period that a litigant appearing in propria person has to file a notice of change of 28 address was reduced from sixty-three days to thirty days.

See Local Rule 183(b). 1 for failure to prosecute and for failure to keep the Court apprised of his current address. See Fed. 2 R. Civ. P. 41(b); Local Rule 183(b). 3 These findings and recommendations are submitted to the United States District Judge 4 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days 5 after being served with these findings and recommendations, Plaintiff may file written objections 6 with the Court.

Such a document should be captioned “Objections to Magistrate Judge’s Findings 7 and Recommendations,” and it shall not exceed fifteen pages. 8 The Court will not consider exhibits attached to the objections. To the extent that Plaintiff 9 wishes to refer to any exhibit, when possible, he must reference the exhibit in the record by its 10 CM/ECF document and page number or reference the exhibit with specificity.

Any pages filed in 11 excess of the fifteen-page limit may be disregarded by the District Judge when conducting the 28 12 U.S.C. § 636(b)(l)(C) review of the findings and recommendations. Plaintiff’s failure to file 13 objections within the specified time may result in the waiver of certain rights on appeal. See 14 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.

2014); *Martinez v. Ylst*, 951 F.2d 1153 (9th 15 Cir. 1991). 16 17 IT IS SO ORDERED. 18 19 Dated: June 5, 2025 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28