

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Magana v. CSP Solano CDCR, et al.

No. 2:23-cv-2007 DJC AC P (E.D. Cal. Apr. 8, 2025) · No. No. 2:23-cv-2007 DJC AC P · Decided April 9, 2025

SUMMARY

The court grants the defendant’s request to opt out of the Post-Screening ADR Project and lifts the related stay. The magistrate judge recommends dismissal without prejudice for failure to prosecute because the pro se plaintiff did not provide a current address as required by Local Rule 183(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 9, 2025
DOCKET	No. 2:23-cv-2007 DJC AC P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983. After the case was referred to the Post-Screening ADR Project and stayed, a defendant requested to opt out and to lift the stay. The magistrate judge granted those requests and recommended dismissal without prejudice for failure to prosecute.
STANDARD OF REVIEW	Good-cause review of the request to opt out of the Post-Screening ADR Project; failure-to-prosecute review under Local Rule 183(b).
PRECEDENTIAL VALUE	Unknown; unpublished district-court order and findings and recommendations.
PARTIES	John A. Magana v. CSP Solano CDCR, et al.

TOPICS

- civil procedure
- civil rights
- prisoners rights
- default

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the defendant had shown good cause to opt out of the Post-Screening ADR Project.
2. Whether the ADR stay should be lifted.
3. Whether the action should be recommended for dismissal without prejudice because plaintiff failed to maintain a current address and thereby failed to prosecute.

HOLDINGS

1. Good cause existed to grant the defendant's request to opt out of the Post-Screening ADR Project.
2. The stay of the action, which began on February 19, 2025, was lifted.
3. Dismissal without prejudice should be recommended because plaintiff failed to comply with Local Rule 183(b) by not notifying the court of a current address after mail was returned and more than thirty days elapsed.

KEY QUOTATIONS

“It appears that plaintiff has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court of any address change.” (at 1)

“IT IS FUTHER RECOMMENDED that this action be dismissed without prejudice for failure to prosecute.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a former state prisoner proceeding pro se in a § 1983 civil-rights action. The case had been referred to the Post-Screening ADR Project and stayed for 120 days. A court order mailed to plaintiff's address of record was returned by the postal service, and plaintiff did not notify the court of a current address for more than thirty days, contrary to Local Rule 183(b).

PROCEDURAL HISTORY

The action was referred to the court's Post-Screening ADR Project and stayed for 120 days by order filed February 19, 2025. A defendant moved to opt out of the ADR Project and requested that the stay be lifted. The court granted both requests, but recommended dismissal without prejudice because an order mailed to plaintiff's address of record was returned and plaintiff had not provided a current address after more than thirty days.

DISPOSITION

other

CASES CITED

- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Magana v. CSP Solano CDCR

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JOHN A. MAGANA, No. 2:23-cv-2007 DJC AC P

12 Plaintiff,

13 v. ORDER AND FINDINGS AND

RECOMMENDATIONS

14 CSP SOLANO CDCR, et al., 15 Defendants. 16 17 Plaintiff is a former state prisoner proceeding pro se with this civil rights action filed 18 pursuant to 42 U.S.C. § 1983. By order filed February 19, 2025, this case was referred to the 19 court's Post-Screening ADR (Alternative Dispute Resolution) Project and stayed for a period of 20 120 days. ECF No. 16. That order provided defendant the opportunity to request opting out of 21 the ADR Project based on a good faith belief that a settlement conference would be a waste of 22 resources. Id. at 2. Defendant now requests to opt out of the Post-Screening ADR Project and 23 that the stay be lifted. ECF No. 17. Having reviewed the request, the court finds good cause to 24 grant it. 25 Although the stay is being lifted, defendant will not be required to respond to the 26 complaint at this time because the file reflects that a recent court order was served on plaintiff's 27 address of record and returned by the postal service. It appears that plaintiff has failed to comply 28 with Local Rule 183(b), which requires that a party appearing in propria persona inform the court 1 | of any address change. More than thirty days have passed since the court order was returned by 2 || the postal service and plaintiff has failed to notify the court of a current address. 3 Good cause appearing, IT IS HEREBY ORDERED that: 4 1. Defendant's request to opt out of the Post-Screening ADR Project (ECF No. 17) is 5 || GRANTED. 6 2. The ADR stay of this action, commencing February 19, 2025 (ECF No. 16), is 7 || LIFTED. 8 IT IS FUTHER RECOMMENDED that this action be dismissed without prejudice for 9 | failure to prosecute. See L.R. 183(b). 10 These findings and recommendations are submitted to the United States District Judge 11 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 12 | after being served with these findings and recommendations, any party may file written 13 || objections with the court. The document should be captioned "Objections to Magistrate Judge's 14 | Findings and Recommendations." Any response to the objections shall be filed and served within 15 | fourteen days after service of the objections. The parties are advised that failure to file objections 16 || within the specified time may waive the right to appeal the District Court's order. Martinez v. 17 | Yist, 951 F.2d 1153 (9th Cir. 1991). 18 | DATED: April 8, 2025 ~ 19 Aten —Chare ALLISON CLAIRE

20 UNITED STATES MAGISTRATE JUDGE

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