

**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).

OPINION

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 21 22 23 24 25 26 27 28