

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PRECEDENTIAL VALUE	Unknown; unpublished district-court order and findings and recommendations.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)

