

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Ederick Dillard v. Kenneth L. Williams, et al.

Dillard · No. 2:24-cv-01988-RFB-MDC · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Nevada dismisses Ederick Dillard’s 42 U.S.C. § 1983 action without prejudice because he failed to provide an updated address as ordered. Applying the Ninth Circuit’s dismissal factors, the court concludes that continued proceedings are impracticable and that issuing another address-update order would not be a meaningful alternative. The court directs the clerk to enter judgment and explains that Dillard may seek reconsideration and reopening within 30 days.

OPINION

Dillard

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 DISTRICT OF NEVADA

6 * * *

7 EDERICK DILLARD,

8 Plaintiff, Case No. 2:24-cv-01988-RFB-MDC

9 v. DISMISSAL ORDER

10 KENNETH L. WILLIAMS, et al., 11 Defendants. 12

13 I. INTRODUCTION

14 Pro se Plaintiff Ederick Dillard brings this civil-rights action under 42 U.S.C. § 1983 to 15
16 redress constitutional violations that he claims he suffered while incarcerated. See ECF No. 1-1.
17 On September 23, 2025, this Court ordered Dillard to update his address by October 23, 2025.
18 See ECF No. 7. That deadline expired without an updated address from Dillard, and his mail
19 from the Court is being returned as undeliverable. See ECF Nos. 8, 10.

20 II. DISCUSSION

21 District courts have the inherent power to control their dockets and “[i]n the exercise of 21 that
22 power they may impose sanctions including, where appropriate, . . . dismissal” of a case. See 22
23 Thompson v. Hous. Auth. of L.A., 782 F.2d 829, 831 (9th Cir. 1986) (citation omitted). A court 23
24 may dismiss an action based on a party’s failure to obey a court order or comply with local rules.
25 See Carey v. King, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to
26 comply with local rule requiring pro se plaintiff to keep court apprised of address); Malone v.

U.S. 26 Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). 27 In determining whether to dismiss an action on one of these grounds, the Court must consider: 28 (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its 1 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 2 cases on their merits; and (5) the availability of less drastic alternatives. See *In re 3 Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting 4 *Malone*, 833 F.2d at 130). 5 The first two factors, the public’s interest in expeditiously resolving this litigation and the 6 Court’s interest in managing its docket, weigh in favor of dismissal of Dillard’s claims. The third 7 factor, risk of prejudice to the Defendants, also weighs in favor of dismissal because a presumption 8 of injury arises from an unreasonable delay in filing a pleading ordered by the Court. See *Anderson 9 v. Air W.*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring 10 disposition of cases on their merits—is greatly outweighed by the factors favoring dismissal. 11 The fifth factor requires the Court to consider whether less drastic alternatives can be used 12 to correct the party’s failure that brought about the Court’s need to consider dismissal. See *Yourish 13 v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic 14 alternatives before the party has disobeyed a court order does not satisfy this factor); see also 15 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & 643 n.4 (9th Cir. 2002). Courts “need not exhaust every 16 sanction short of dismissal before finally dismissing a case, but they must explore possible and 17 meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). 18 Because this action cannot realistically proceed without the ability for the Court and the 19 Defendants to send Dillard case-related documents, filings, and orders—and litigation cannot 20 progress without Dillard’s compliance with the Court’s orders—the only alternative is to enter a 21 second order setting another deadline. But without an updated address, the likelihood that the 22 second order would even reach Dillard is low, so issuing a second order would only delay the 23 inevitable and further squander the Court’s finite resources. Setting another deadline is not a 24 meaningful alternative given these circumstances. So, the fifth factor favors dismissal. Having 25 thoroughly considered these factors, the Court finds that they weigh in favor of dismissal. 26 27 28 1 Ill. CONCLUSION 2 For the foregoing reasons, IT IS HEREBY ORDERED that this action is DISMISSED 3 | without prejudice based on Dillard’s failure to file an updated address in compliance with this 4} Court’s September 23, 2025, Order. See ECF No. 7. 5 The Clerk of Court is DIRECTED to enter judgment accordingly and close this case. No 6 | other documents may be filed in this now-closed case. If Dillard wishes to pursue his claims, he 7 | must file a complaint in a new case and provide the Court with his current address. 8 IT IS FURTHER ORDERED that Dillard may move to reopen this case and vacate the 9 | judgment by filing a motion for reconsideration within 30 days of the entry of this Order. In this 10 | motion, Dillard would need to explain the circumstances that led to him not being able to update 11 | his address as directed by the Court. If the Court finds there is good cause or a reasonable 12 | explanation for the failure, the Court will reopen the case

and vacate the judgment. 13 14 DATED: November 26, 2025. AS

i RICHARD F. BOULWARE, II

17 UNITED STATES DISTRICT JUDGE

18 19 20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-nevada-united-states-district-court-for-the-district/2025/ederick-dillard-v-kenneth-l-williams-et-al-52129khr>