

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

James Oneal Belvins, Jr. v. Placer County District Attorney Office, et
al.

No. 2:24-cv-02077-DJC-EFB (PC) (E.D. Cal. May 19, 2025) · No. No. 2:24-cv-02077-DJC-EFB (PC) · Decided
May 19, 2025

SUMMARY

The magistrate judge recommends dismissing James Oneal Belvins Jr.'s 42 U.S.C. § 1983 action without prejudice for failure to state a claim. The recommendation follows plaintiff's failure to file an amended complaint after the court dismissed the original complaint and granted leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 19, 2025
DOCKET	No. 2:24-cv-02077-DJC-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se county jail inmate brought an action under 42 U.S.C. § 1983. After screening the complaint and dismissing it with leave to amend, the magistrate judge issued findings and recommendations that the action be dismissed without prejudice for failure to state a claim.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915A for failure to state a claim; dismissal was recommended based on plaintiff's failure to cure the deficiencies identified in the screening order.
PRECEDENTIAL VALUE	Nonprecedential findings and recommendations of a federal magistrate judge; not a final district-court judgment.

TOPICS

- prisoners rights
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice after plaintiff failed to file an amended complaint curing the deficiencies identified in the screening order.
2. Whether service of the screening order was effective when plaintiff's copy appeared to have been returned but the order was served at his address of record.

HOLDINGS

1. Service of court documents at the address of record is fully effective under Local Rule 182(f), and the plaintiff is responsible for keeping the court apprised of a current address.

KEY QUOTATIONS

“It is the plaintiff’s responsibility to keep the court apprised of a current address at all times.” (at 1)

“Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.” (at 1)

FACTUAL BACKGROUND

Plaintiff was a county jail inmate proceeding without counsel in a § 1983 action. The court previously dismissed his complaint for failure to state a claim and gave him thirty days to file an amended complaint curing the deficiencies. The court determined that plaintiff had been properly served even though his copy of the order appeared to have been returned because service at the address on record is effective.

PROCEDURAL HISTORY

The court screened plaintiff's complaint under 28 U.S.C. § 1915A on February 20, 2025, dismissed it for failure to state a claim, and granted thirty days to file an amended complaint. The screening order warned that failure to comply could result in dismissal. Although plaintiff's copy of the order appeared to have been returned, the court found that plaintiff had been properly served at the address on record and recommended dismissal without prejudice.

DISPOSITION

other

CASES CITED

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

OPINION

(PC) Belvins v. Placer County District Atty Office
PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JAMES ONEAL BELVINS, JR., No. 2:24-cv-02077-DJC-EFB (PC)

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 PLACER COUNTY DISTRICT

ATTORNEY OFFICE, et al., 15 Defendants. 16 17 Plaintiff, a county jail inmate, proceeds without counsel in an action brought under 42 18 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 19 U.S.C. § 636(b)(1). 20 On February 20, 2025, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 21 1915A. ECF No. 6. The court dismissed the complaint for failure to state a claim and granted 22 plaintiff thirty days in which to file an amended complaint to cure the deficiencies. Id. The 23 screening order warned plaintiff that failure to comply could result in a recommendation that this 24 action be dismissed. 25 Although it appears from the file that plaintiff's copy of the order was returned, plaintiff 26 was properly served. It is the plaintiff's responsibility to keep the court apprised of a current 27 address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of 28 1 | the party is fully effective. 2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without 3 || prejudice for failure to state a claim. 4 These findings and recommendations are submitted to the United States District Judge 5 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 6 || after being served with these findings and recommendations, plaintiff may file written objections 7 || with the court. The document should be captioned "Objections to Magistrate Judge's Findings 8 || and Recommendations." Plaintiff is advised that failure to file objections within the specified 9 || time may waive the right to appeal the District Court's order. Martinez v. Yist, 951 F.2d 1153 10 | (9th Cir. 1991). Data BBE 12 || Dated: May 19, 2025 "lliçl 7 -LACA

EDMUND F. BRENNAN

13 UNITED STATES MAGISTRATE JUDGE

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