

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ali v. Bridgecrest Credit Company LLC

Ali · No. 1:24-cv-1364 JLT EPG · Decided May 30, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations recommending dismissal after Plaintiff failed to maintain a current mailing address and failed to prosecute the action. The court dismissed the action without prejudice, denied Defendant’s motion to dismiss as moot, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 30, 2025
DOCKET	1:24-cv-1364 JLT EPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's state-court action was removed to federal court. After Plaintiff failed to maintain a current mailing address or take action to prosecute the case, the magistrate judge recommended dismissal without prejudice for failure to prosecute. The district court conducted de novo review, adopted the findings and recommendations, dismissed the action without prejudice, denied Defendant's motion to dismiss as moot, and directed the Clerk to close the case.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- civil procedure
- sanctions
- motions to dismiss

PRACTICE AREAS

- civil procedure
- failure to prosecute
- consumer protection

QUESTIONS PRESENTED

- 1. Whether the action should be dismissed without prejudice for Plaintiff's failure to maintain a current mailing address and failure to prosecute.
- 2. Whether Defendant's motion to dismiss should be denied as moot after dismissal of the action.

HOLDINGS

- 1. Dismissal without prejudice was appropriate because Plaintiff failed to comply with Local Rule 183(b), failed to keep the Court informed of a current mailing address, and took no action to prosecute the case after removal.
- 2. Defendant's motion to dismiss was denied as moot because the action was dismissed without prejudice on an independent procedural ground.

KEY QUOTATIONS

“Plaintiff did not keep this Court informed of his current address, and did not take any action to prosecute the case following removal to the district court.” (at 2)

FACTUAL BACKGROUND

Plaintiff initiated the action in Fresno County Superior Court, and Defendant removed it to federal district court. The Court repeatedly served Plaintiff at the only address on record, but the Postal Service returned the mail as undeliverable because the mailbox was closed and forwarding was unavailable. Plaintiff did not provide a current mailing address or take further action to prosecute the case after removal.

PROCEDURAL HISTORY

Hussein Ali filed a complaint in Fresno County Superior Court, and Bridgecrest Credit Company, LLC removed the action to the Eastern District of California on November 6, 2024. Court documents mailed to Plaintiff's only address were repeatedly returned as undeliverable because the mailbox was closed. The magistrate judge found that Plaintiff violated Local Rule 183(b), considered the Ninth Circuit's factors for terminating sanctions, and recommended dismissal without prejudice. The district court reviewed the matter de novo under 28 U.S.C. § 636(b)(1), adopted the recommendation, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 HUSSEIN ALI,) Case No.: 1:24-cv-1364 JLT EPG) 12 Plaintiff,) ORDER

ADOPTING FINDINGS AND) RECOMMENDATIONS, DISMISSING THE 13 v.) ACTION WITHOUT PREJUDICE, DENYING) DEFENDANT’S MOTION TO DISMISS AS 14 BRIDGECREST CREDIT COMPANY, LLC,) MOOT, AND DIRECTING THE CLERK OF) COURT TO CLOSE THE CASE 15 Defendant.)) (Docs.

5, 14) 16) 17 Hussein Ali initiated this action by filing a complaint in Fresno County Superior Court, which 18 Defendant removed to this district court on November 6, 2024. (Doc. 1.) The Court served several 19 documents to Plaintiff at the only address on record—including its new case documents, standing order, 20 reassignment order, and minute orders—and the U.S. Postal Service returned all documents as 21 undeliverable, indicating the mailbox was closed and the mail could not be forwarded.

22 The magistrate judge found Plaintiff failed to comply with Local Rule 183(b), which requires a 23 party proceeding in propria persona to keep the Court informed of a proper mailing address. (Doc. 14 24 at 1-2.) The magistrate judge determined dismissal of the action is appropriate, after considering the 25 factors identified by the Ninth Circuit prior to imposing terminating sanctions for failure to prosecute.

26 (Id. at 2-4, citing *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).) Therefore, the magistrate 27 judge recommended the Court dismiss the action without prejudice and deny Defendant’s motion to 28 dismiss as moot. (Id. at 4.) eee EINE IIE IE NII IRIE IID IDOI EI 1 The Court served the Findings and Recommendations Plaintiff at the address on record.

2 || However, the U.S. Postal Service again returned the Court’s mail as undeliverable on May 13, 2025. 3 || Despite this, the service upon Plaintiff is deemed fully effective pursuant to Local Rule 182(f). 4 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 5 || Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are 6 || supported by the record and proper analysis.!

Plaintiff did not keep this Court informed of his curren 7 || address, and did not take any action to prosecute the case following removal to the district court. 8 || Thus, the Court ORDERS: 9 1. The Findings and Recommendations dated April 23, 2025 (Doc. 11) are ADOPTED i 10 full. 11 2.

The action is DISMISSED without prejudice. 12 3. Defendant’s motion to dismiss (Doc. 5) is denied as MOOT. 13 4. The Clerk of Court is directed to close this case. 14 15 ☐☐ IS SO ORDERED. 16 || Dated: _May 30, 2025 (LAW pA u bury 17 TED STATES DISTRICT JUDGE 18 19 20 21 22 23 24 25 26 || ' The magistrate judge quoted the prior Local Rules, which required a party to notify the Court of a change of 27 || address within 63 days.

See L.R. 183(b) (effective Aug. 7, 2023). However, the Local Rules were amended o January 1, 2025, and now require a party to inform the Court of a mailing address within 30 days. See L.R.

28 || 183(b) (effective Jan. 1, 2025). Regardless, Plaintiff failed to comply with his obligation to keep the Court informed of his current mailing address.

Therefore, the Court adopts this finding.

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