

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

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 in 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 on 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.