

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Hector Arnulfo German Reyes v. Warden, F.C.I. Mendota

No. 1:24-cv-01543-CDB (HC) · No. No. 1:24-cv-01543-CDB (HC) · Decided October 27, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 HECTOR ARNULFO GERMAN REYES, No. 1:24-cv-01543-CDB (HC)
12 Petitioner, ORDER TO SHOW CAUSE IN WRITING WHY ACTION SHOULD NOT BE 13
v. DISMISSED FOR PETITIONER’S FAILURE TO OBEY LOCAL RULES AND FAILURE 14
WARDEN, F.C.I MENDOTA, TO PROSECUTE 15 Respondent. 14-DAY OBJECTION
DEADLINE 16 17 18 Petitioner Hector Arnulfo German Reyes (“Petitioner”) is a federal prisoner
proceeding 19 pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to
28 U.S.C. § 20 2241.

21 I. Background 22 Petitioner filed the instant habeas petition on December 17, 2024, while in
custody of the 23 Bureau of Prisons (“BOP”) at the Federal Correctional Institution, Mendota.
(Doc. 1). On 24 September 4, 2025, the Court completed a preliminary review of the petition
under Rule 4 of the 25 Rules Governing Section 2254 Cases¹. (Doc. 6). Petitioner alleges the
BOP denied him due 26 process with respect to a disciplinary hearing.

(See generally Doc. 1). Upon review, because it 27 1 The Habeas Rules may be applied to
petitions for writ of habeas corpus other than those brought 28 under § 2254 at the Court’s
discretion. See Habeas Rule 1. 1 does not plainly appear that Petitioner is not entitled to relief (see
Bostic v. Carlson, 884 F.2d 2 1167, 1169 (9th Cir. 1989)), the Court ordered Respondent to
respond to the petition and set a 3 briefing schedule making Respondent’s answer or motion to
dismiss due by November 3, 2025.

4 (Doc. 6). The Court’s order was served upon Petitioner. See (9/04/2025 dkt. entry). 5 On
September 23, 2025, the Court’s order served upon Petitioner was returned by the U.S. 6 Postal
Service marked, “Undeliverable, No Longer at this Address.” See (9/23/2025 dkt. entry). 7 More
than 30 days have passed yet Petitioner has failed to update his address with the Court.

8 II. Discussion 9 Petitioner has failed to keep the Court apprised of his current address.
Therefore, for the 10 reasons set forth below, the undersigned will direct Petitioner to explain in a
written filing why 11 this action should not be dismissed for his failure to comply with the Local
Rules and failure to 12 prosecute the action. 13 Applicable Legal Standards 14 The Local Rules of
this Court, corresponding with Federal Rule of Civil Procedure 11, 15 provide, “[f]ailure of
counsel or of a party to comply with these Rules or with any order of the 16 Court may be grounds

for the imposition by the Court of any and all sanctions authorized by 17 statute or Rule or within the inherent power of the Court.” Local Rule 110. “District courts have 18 inherent power to control their dockets” and, in exercising that power, may impose sanctions, 19 including dismissal of an action.

Thompson v. Housing Auth., City of Los Angeles, 782 F.2d 829, 20 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an 21 action, obey a court order, or comply with local rules. See, e.g., Ferdik v. Bonzelet, 963 F.2d 22 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a court order to amend a 23 complaint); Malone v. U.S. Postal Service, 833 F.2d 128, 130-31 (9th Cir.

1987) (dismissal for 24 failure to comply with a court order); Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) 25 (dismissal for failure to prosecute and to comply with local rules). 26 Local Rule 182(f) provides that a “pro se party is under a continuing duty to notify the 27 Clerk and all other parties of any change of address Absent such notice, service of documents 28 at the prior address of the ... pro se party shall be fully effective.” Further, Local Rule 183(b) 1 | provides that a “party appearing in propria persona shall keep the Court and opposing parties 2 | advised as to his or her current address.

If mail directed to a plaintiff in propria persona by the 3 | Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and 4 | opposing parties within thirty (30) days thereafter of a current address, the Court may dismiss the 5 | action without prejudice for failure to prosecute.” 6 Analysis 7 Here, Plaintiff has failed to file a notice of change of address or to otherwise advise the 8 | Court of his current address.

A search of the BOP’s inmate database shows Petitioner was 9 || released from custody as of July 30, 2025.7 10 II. Conclusion and Order 11 Accordingly, the Court ORDERS Petitioner to show cause in writing, within 14 days of 12 | the date of service of this order, why this action should not be dismissed for his failure to comply 13 | with the Local Rules and failure to prosecute the action 14 Failure to comply with this order will result in a recommendation that this action be 15 | dismissed for a failure to prosecute and to comply with the Local Rules.

16 | IT IS SOORDERED. M Dated: _ October 27, 2025 | Ww R~ 18 UNITED STATES MAGISTRATE JUDGE 19 20 21 22 23 24 25 26 ———_ > Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/> (last accessed on 28 | October 27, 2025).