

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bennett v. Project 90, et al.

Bennett · No. 24-cv-06492-JSC · Decided July 16, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Plaintiff David Bennett’s civil action without prejudice after mail was returned as undeliverable and he failed to provide a current address or otherwise communicate with the Court. The dismissal was entered under Northern District Civil Local Rule 3-11(b), and the Clerk was directed to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 16, 2025
DOCKET	24-cv-06492-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A California prisoner proceeding pro se filed a civil action against state and federal officials and agencies. After mail to Plaintiff was returned as undeliverable, the court ordered him to provide a current address and show cause why the action should not be dismissed. Plaintiff failed to respond, and the court dismissed the action without prejudice.
PRECEDENTIAL VALUE	Unpublished district court order with limited persuasive value

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Northern District of California Civil Local Rule 3-11(b) because mail to Plaintiff was returned as undeliverable and he failed to provide a current address or communicate with the court within 60 days.

HOLDINGS

1. The court may dismiss the action without prejudice under Civil Local Rule 3-11(b) where court mail is returned as undeliverable and the pro se party fails to provide a current address or written communication within 60 days; Plaintiff's failure satisfied those conditions.

KEY QUOTATIONS

“Accordingly, pursuant to Civil Local Rule 3-11(b), this case is DISMISSED without prejudice to refiling in a new case in which Plaintiff provides and maintains his correct address.” (at 5)

FACTUAL BACKGROUND

Plaintiff, a California prisoner proceeding without counsel, filed a civil action against several state and federal officials and agencies. Mail sent to the address Plaintiff supplied was returned as undeliverable, and a subsequent order mailed both to that address and to the Yolo County Jail was also returned. Plaintiff never supplied a current mailing address or otherwise communicated with the court.

PROCEDURAL HISTORY

Mail sent to Plaintiff at the address provided in his initial filing was returned as undeliverable on April 28, 2025. The court mailed an order to show cause to that address and to the Yolo County Jail, but the order was also returned as undeliverable on June 24, 2025. Plaintiff did not provide a current address or otherwise communicate with the court, so the court dismissed the case under Northern District of California Civil Local Rule 3-11(b) and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988)

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