

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PRECEDENTIAL VALUE	Unpublished district court order with limited persuasive value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)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
DAVID BENNETT, Case No. 24-cv-06492-JSC 8 Plaintiff, ORDER OF DISMISSAL v. 9 10
PROJECT 90, et al., Defendants. 11 12 Plaintiff, a California prisoner proceeding without an
attorney, filed this civil action 13 against several state and federal officials and agencies.

On April 28, 2025, mail was returned to 14 the court as undeliverable at the address Plaintiff
provided in his initial filing in this case. (ECF 15 Nos. 1-1, 8.) The Court therefore ordered

Plaintiff as follows: 16 No later than July 1, 2025, Plaintiff shall: (1) provide a current valid mailing address and any identification number necessary for him to 17 receive mail; and (2) show cause why this case should not be dismissed under Civil Local Rule 3-11(b).

Also no later than July 1, 18 2025, Plaintiff shall pay the filing fee or show cause why leave to proceed in forma pauperis should be granted, as provided in the 19 Court's previous order (ECF No. 7). The failure to do so may result in the dismissal of this case under Civil Local Rule 3-11(b) 20 or 41(a). 21 (ECF No. 9 at 2 (emphasis in original).)

The order to show cause was mailed to both the address 22 Plaintiff provided in his initial filing, as well as to the Yolo County Jail because that was the return 23 address on Plaintiff's last filing in this case on February 26, 2025. (See ECF Nos. 1-1, 9.)

The 24 order was returned by the postal service as undeliverable on June 24, 2025. (ECF No. 25.) 25 Plaintiff has still not provided the Court with his current address or otherwise communicated with 26 the Court. 27 Pursuant to Northern District Civil Local Rule 3-11: (a) Duty to Notify. An attorney or a party proceeding pro se whose 1 address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of 2 Address specifying the new address.

3 (b) Dismissal Due to Failure. The Court may, without prejudice, 4 dismiss a complaint or strike an answer when: (1) Mail directed to the attorney or pro se party by the Court 5 has been returned to the Court as not deliverable; and 6 (2) The Court fails to receive within 60 days of this return a written communication from the attorney or pro se party indicating a 7 current address.

8 || Civ. L.R. 3-11; see also *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal 9 || of pro se prisoner's complaint for failing to notify court of his change of address). 10 Plaintiff has not provided his current address for mailing as required by Civil Local Rule 3- 11 11(a). Plaintiff has been given the opportunity and time to explain and correct this failure, but he 12 || has failed to do so.

It has been more than 60 days since Plaintiff's mail was first returned as 13 || undeliverable due to his address being incorrect, which provides grounds for dismissal under Civil 5 14 || Local Rule 3-11(b). 2 15 Accordingly, pursuant to Civil Local Rule 3-11(b), this case is DISMISSED without 16 || prejudice to refiling in a new case in which Plaintiff provides and maintains his correct address. = 17 The Clerk shall enter judgment and close the file.

Z 18 IT IS SO ORDERED. 19 || Dated: July 16, 2025 20 21 ne CQWELINE SCOTT CORL 22 United States District Judge 23 24 25 26 27 28