

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cordero Anthony Martin v. City of McFarland, et al.

Martin · No. 1:25-cv-00483-CDB · Decided January 16, 2026

SUMMARY

The United States District Court for the Eastern District of California denied Cordero Anthony Martin’s request for a hearing because no defendant had appeared and an ex parte hearing would be improper. The court construed and granted the motion to the extent it sought a case-status update, explained that the amended complaint remained pending preliminary screening, and directed the Clerk to attach a notice-of-change-of-address form.

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	January 16, 2026
DOCKET	1:25-cv-00483-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis, moved for a hearing concerning the status and future procedure of his civil-rights action and requested access to electronic filing and permission to appear remotely. No defendant had appeared. The court denied a hearing and construed and granted the motion to the extent it sought a status report.
STANDARD OF REVIEW	The court applied the procedural requirements governing ex parte hearings and the court's preliminary screening obligations under 28 U.S.C. § 1915.
PRECEDENTIAL VALUE	unpublished
PARTIES	Cordero Anthony Martin v. City of McFarland, et al.

TOPICS

- civil procedure
- section 1983
- civil rights
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should conduct a hearing concerning the status and future procedure of the action when no defendant had appeared.
2. Whether the court should provide a status update and information concerning filing, address-update, and future screening procedures.
3. Whether the court should grant Plaintiff access to the court's electronic filing system or authorize remote appearances.

HOLDINGS

1. The court denied Plaintiff's request for a hearing because, in the absence of any appearing defendant, the hearing would improperly be conducted *ex parte*.
2. The court granted the motion to the extent it requested information about the status of the case, explaining that the first amended complaint remained pending preliminary screening and that a subsequent order would address whether the claims were cognizable.
3. The court advised Plaintiff that, absent a court order otherwise, he must submit documents in paper; that the electronic filing system generally is available only to registered attorneys; and that he must keep the court informed of his current address.

KEY QUOTATIONS

"because no defendant yet has appeared in the action, the Court will deny Plaintiff's request for hearing as any such hearing would improperly be conducted ex parte." (at 1)

"Once that screening is completed, an order will issue addressing whether the Court finds any of Plaintiff's claims cognizable." (at 2)

FACTUAL BACKGROUND

Plaintiff initiated a civil-rights action and proceeded *pro se* and *in forma pauperis*. After the court found that his original complaint failed to state a claim, he filed a first amended complaint that had not yet been screened. Plaintiff then sought a hearing about the case status and future procedure, citing his anticipated move outside the continental United States and requesting electronic filing access and remote appearances.

PROCEDURAL HISTORY

Plaintiff filed the action on April 28, 2025. After preliminary screening under 28 U.S.C. § 1915, the court determined that the original complaint failed to state a claim but granted leave to amend. Plaintiff filed a first amended complaint on September 5, 2025, which remained pending preliminary screening when he filed the motion addressed by this order.

DISPOSITION

CASES CITED

- Lopez v. Smith, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA
9 10 CORDERO ANTHONY MARTIN, Case No. 1:25-cv-00483-CDB 11 Plaintiff, ORDER
DENYING PLAINTIFF’S MOTION FOR HEARING 12 v. ORDER GRANTING PLAINTIFF’S
13 CITY OF MCFARLAND, et al., CONSTRUED MOTION FOR STATUS REPORT 14
Defendants. (Doc. 6) 15 Clerk of the Court to Attach “Notice of Change 16 of Address” Form 17
18 Plaintiff Cordero Anthony Martin (“Plaintiff”), proceeding pro se and in forma pauperis 19
 (“IFP”), initiated this action with the filing of a complaint on April 28, 2025.

(Doc. 1). 20 Background 21 On August 13, 2025, the Court entered an order pursuant to 28 U.S.C.
§ 1915 following its 22 preliminary screening of Plaintiff’s complaint in which the Court
determined that the complaint 23 failed to state a claim on which relief may be granted. See
generally (Doc. 4) (citing inter alia 28 24 U.S.C. § 1915(e)(2)(B) & Lopez v. Smith, 203 F.3d
1122, 1126-27 (9th Cir.

2000) (en banc)). 25 In its screening order, the Court granted Plaintiff leave to amend his
complaint, and on 26 September 5, 2025, Plaintiff filed his first amended complaint. (Doc. 5). The
first amended 27 complaint remains pending the Court’s preliminary screening pursuant to 28
U.S.C. § 1915. 1 Plaintiff’s Motion for Hearing 2 On January 5, 2026, Plaintiff filed a motion in
which he requests a court hearing to address 3 the “[s]tatus of case and what the procedure entails
moving forward.” (Doc.

6 at 1). Plaintiff states 4 his intention to move out of the continental United States and,
accordingly, he “request[s] access 5 to an e-filing system” to ensure “the prosecution does not stall
and can be continued worldwide.” 6 Id. Plaintiff additionally requests permission to appear for
hearings remotely. Id. 7 Separately, Plaintiff makes various representations relating to his fear for
his safety and his 8 intention to submit a confidential name change “to the very superior court
system for a second time 9 that has already violated and denied my rights incessantly.” Id. 10
Discussion 11 First, the Court acknowledges and expresses its regret for the delay in completing a
12 preliminary screening of Plaintiff’s first amended complaint, filed September 5, 2025.

As has been 13 well documented,¹ the Eastern District of California is one of the busiest federal
courts in the 14 country. The undersigned currently presides over or is referred to more than 480
civil cases in 15 various stages of litigation and delays in these cases, although unfortunate, are
unavoidable given 16 the judicial resource emergency under which the District operates.

17 Second, because no defendant yet has appeared in the action, the Court will deny Plaintiff's 18 request for hearing as any such hearing would improperly be conducted ex parte. 19 Third, the Court provides information responsive to Plaintiff's request for status.

As set 20 forth above, the first amended complaint remains pending the Court's preliminary screening. Once 21 that screening is completed, an order will issue addressing whether the Court finds any of Plaintiff's 22 claims cognizable. 23 Fourth, the Court admonishes Plaintiff that he is obligated to become familiar with and 24 comply with this Court's Local Rules, available on the Court's webpage.

As Plaintiff is aware, he 25 must submit all documents to the Court in paper unless the Court orders otherwise. The Court's 26 electronic filing and storage system generally is available only to attorneys registered to use it. 27 1 See "Letter of E.D. Cal. Judges to Congress," June 19, 2018 (located at 1 | See Local Rule 133(b)(2). Plaintiff must keep the Court informed of his correct current address.

2 | See Local Rule 182(f). If Plaintiff moves to a different address without filing and serving a notice 3 | of change of address, documents served at his old address of record shall be deemed received even 4 | if not actually received. /d. If mail directed to Plaintiff at the address of record is returned by the 5 | United States Postal Service as undeliverable, the order will not be re-served a second time absent 6 | a notice of change of address.

If Plaintiff's address is not updated within thirty-three (33) days of 7 | mail being returned as undeliverable, the case will be dismissed for failure to prosecute. Local Rule 8 | 183(b). 9 Given Plaintiff's notice that he intends to move outside the continental United States, the 10 | Court will direct the Clerk of the Court to attach to this order a "Notice of Change of Address" 11 | form for Plaintiff's anticipated use.

12 Conclusion and Order 13 For the reasons set forth above, Plaintiff's motion (Doc. 6) is GRANTED to the extent of 14 | updating Plaintiff on the status of this case and responding to the issues raised in his motion. 15 The Clerk of the Court is DIRECTED to attach to this order a "Notice of Change of 16 || Address" form. 17 | IT IS SO ORDERED. 18 Dated: _ January 16, 2026 | Word bo 19 UNITED STATES MAGISTRATE JUDGE 20 21 22 23 24 25 26 27 28