

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Drumwright v. Jones, et al.

Drumwright · No. No. 1:23-cv-00730 JLT BAM (PC) · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge’s findings and recommendations and dismisses Marquise Louis Drumwright’s 42 U.S.C. § 1983 action without prejudice. The dismissal is based on Plaintiff’s failure to obey court orders and failure to prosecute after court mail was returned as undeliverable.

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	December 29, 2025
DOCKET	No. 1:23-cv-00730 JLT BAM (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations to dismiss a prisoner civil-rights action without prejudice for failure to obey a court order and failure to prosecute.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) of the magistrate judge's findings and recommendations.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is not established by the opinion.
PARTIES	Marquise Louis Drumwright v. Jones, et al.

TOPICS

- civil procedure
- civil rights
- section 1983
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Section 1983 litigation

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the action without prejudice for failure to obey a court order and failure to prosecute should be adopted.
2. Whether the district court should dismiss the action after conducting de novo review under 28 U.S.C. § 636(b)(1)(C).

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis and were adopted.
2. The action was dismissed without prejudice for failure to obey a court order and failure to prosecute.
3. The district court conducted de novo review of the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C).

KEY QUOTATIONS

“This action is *DISMISSED* without prejudice.” (2)

FACTUAL BACKGROUND

Plaintiff was a state prisoner proceeding pro se and in forma pauperis in a § 1983 action. Court orders were returned as undeliverable because Plaintiff was inactive, released, or discharged, and Plaintiff failed to file a required notice of change of address or respond to the order granting leave to amend or proceed on cognizable claims. Plaintiff also failed to object to the magistrate judge's recommendation of dismissal.

PROCEDURAL HISTORY

Plaintiff filed a pro se, in forma pauperis action under 42 U.S.C. § 1983. After the court screened the complaint and granted leave to amend or proceed on cognizable claims, Plaintiff failed to respond, failed to provide a required change of address, and could not be served because mail was returned as undeliverable. The magistrate judge recommended dismissal without prejudice, and after the objection period expired, the district court conducted de novo review, adopted the recommendations, dismissed the action, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MARQUISE LOUIS DRUMWRIGHT, No. 1:23-cv-00730 JLT BAM (PC)
12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING
13 v. ACTION WITHOUT PREJUDICE 14 JONES, et al., (Doc. 18) 15 Defendants. 16 17

Plaintiff Marquise Louis Drumwright is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

19 On October 3, 2025, the Court issued an order reassigning this case from Magistrate Judge 20 Gary S. Austin to Magistrate Judge Barbara A. McAuliffe for all further proceedings. (Doc. 15.)

21 On October 20, 2025, that order was returned as “Undeliverable, Inactive, Released 4/20/2025.” 22 On October 21, 2025, the Court screened the complaint and granted Plaintiff leave to file a 23 first amended complaint or to notify the Court of his willingness to proceed on cognizable claims 24 within thirty days.

(Doc. 16.) On November 7, 2025, that order was returned as “Undeliverable, 25 Inactive 4/28/2025.” 26 Plaintiff’s notice of change of address was due no later than November 19, 2025. Local 27 Rule 183(b). Plaintiff’s response to the Court’s October 21, 2025 order also is overdue. 28 On December 2, 2025, the magistrate judge issued findings and recommendations that 1 || recommended this action be dismissed, without prejudice, for failure to obey a Court order and 2 | failure to prosecute.

(Doc. 18.) The Court served the findings and recommendations on Plaintiff 3 | and notified him that any objections were due within 14 days. (Ud. at 4.) The Court also advised 4 | Plaintiff that failure to file objections within the specified time may result in the waiver of the 5 | right to challenge the magistrate’s factual findings on appeal. (d. (citing *Wilkerson v. Wheeler*, 6 | 772 F.3d 834, 838-39 (9th Cir.

2014).) On December 16, 2025, the findings and 7 || recommendations were returned as “Undeliverable, RTS, Inactive, Discharged 4/20/2025.” 8 According to 28 U.S.C. § 636 (b)(1)(C), this Court performed a de novo review of this 9 | case.

Having carefully reviewed the matter, the Court concludes that the findings and 10 || recommendations are supported by the record and proper analysis. Thus, the Court ORDERS: 11 1. The findings and recommendations issued on December 2, 2025, (Doc. 18), are 12 ADOPTED. 13 2. This action is DISMISSED without prejudice. 14 3.

The Clerk of the Court is directed to close this case. 15 16 IT IS SO ORDERED. 17] Dated: _December 26, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 18 19 20 21 22 23 24 25 26 27 28