

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Sanchez v. Paramo

Sanchez · No. 3:24-cv-01591 · Decided April 24, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Juan Sanchez’s § 1983 civil rights action against correctional officials for failure to state a claim and failure to prosecute. The court also certified that an appeal would not be taken in forma pauperis and directed entry of final judgment and closure of the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 24, 2025
DOCKET	3:24-cv-01591
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court screened a pro se prisoner's amended 42 U.S.C. § 1983 complaint under the in forma pauperis and prisoner-screening statutes, granted leave to amend, and dismissed the action after the plaintiff failed to file another amended complaint or otherwise comply with the court's order.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. §§ 1915(e)(2) and 1915A; dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- section 1983
- prisoners rights
- statute of limitations
- pleadings
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- statute of limitations
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed under 28 U.S.C. §§ 1915(e)(2) and 1915A for failure to state a claim because the claims were barred by the statute of limitations.
2. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to comply with the court's order and failure to prosecute.
3. Whether the court should certify that an appeal taken in forma pauperis would not be taken in good faith.

HOLDINGS

1. The action was properly dismissed in its entirety for failure to state a claim because the plaintiff's amended § 1983 claims were barred by the statute of limitations.
2. A plaintiff's failure to respond to the court's ultimatum by either amending the complaint or informing the court that no amendment would be filed warranted dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
3. The court certified that an appeal in forma pauperis would not be taken in good faith.

KEY QUOTATIONS

“The failure of the plaintiff eventually to respond to the court’s ultimatum—either by amending the complaint or by indicating to the court [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.”
(at 2)

FACTUAL BACKGROUND

Juan Sanchez, proceeding pro se, alleged that correctional officials violated his constitutional rights while he was incarcerated at Richard J. Donovan Correctional Facility in 2019. The court had determined that his amended § 1983 claims were untimely and gave him an opportunity to amend. Sanchez did not submit a further amendment or request additional time, and an earlier court order was initially returned as undeliverable before being remailed to another prison address.

PROCEDURAL HISTORY

On January 15, 2025, the court granted Plaintiff leave to proceed in forma pauperis and leave to amend, but dismissed the amended complaint at screening as barred by the statute of limitations while allowing 45 days to amend again. The court warned that failure to act would result in dismissal for failure to state a claim and failure to prosecute. Plaintiff did not amend, request an extension, or file a change-of-address notice, so the court dismissed the action and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- Edwards v. Marin Park, 356 F.3d 1058, 1065 (9th Cir. 2004)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JUAN SANCHEZ, Case No: 24-cv-01591-BAS-DDL 12 Plaintiff, ORDER
DISMISSING CIVIL 13 v. ACTION FOR FAILURE TO STATE A CLAIM PURSUANT TO 28
U.S.C. 14 DANIEL PARAMO, Warden; §§ 1915(e)(2) AND 1915A(b) AND CAMACHO,
Correctional Officer; CDCR; 15 FOR FAILURE TO PROSECUTE IN JEFF MACOMBER,
Secretary; DOES 1- COMPLIANCE WITH COURT 16 20, Correctional Officers; DOES 21-50,
ORDER Medical Staff; DOES 51-75, 17 Administrative Staff, 18 Defendants.

19 20 21 In this civil rights action filed pursuant to 42 U.S.C. § 1983, pro se Plaintiff Juan 22
Sanchez alleged correctional officials at Richard J. Donovan Correctional Facility violated 23 his
constitutional rights while he was incarcerated there in 2019. (See ECF No. 9-1 at 5– 24 8.)

On January 15, 2025, the Court granted Sanchez’s motions for leave to proceed in 25 forma
pauperis (“IFP”) and to amend his complaint but screened his amended pleading 26 pursuant to 28
U.S.C. §§ 1915(e)(2) and 1915A and dismissed it as barred by the statute of 27 limitations. (See
ECF No. 10.) While the untimeliness of Sanchez’s claims was clear from 28 the face of his
amended complaint, the Court notified him of his pleading deficiencies and 1 } granted him 45
days leave in which to amend once more. (/d. at 10-11.)

The Court 2 || cautioned Sanchez, however, that his failure to act would result in dismissal of this
action 3 || both for failure to state a claim and for failure to prosecute. (/d. at 11-12.) 4 To date,
Sanchez has failed to comply with the Court’s Order and has not requested 5 extension of time in
which to do so.! “The failure of the plaintiff eventually to respond 6 || to the court’s ultimatum—
either by amending the complaint or by indicating to the court 7 [he] will not do so—is properly
met with the sanction of a Rule 41(b) dismissal.” 8 || Edwards v. Marin Park, 356 F.3d 1058, 1065
(9th Cir.

2004). 9 CONCLUSION 10 Accordingly, the Court DISMISSES this civil action in its entirety
based on 11 || Plaintiff’s failure to state a claim upon which relief can be granted pursuant to 28
U.S.C. 12 || §§ 1915(e)(2)(B)(ai1) and 1915A(b)(1) and his failure to prosecute as required by the
Court’s 13 January 15, 2025 Order.

The Court further CERTIFIES that an IFP appeal would not be 14 ||taken in good faith pursuant to
28 U.S.C. § 1915(a)(3) and DIRECTS the Clerk of the 15 || Court to enter a final judgment of
dismissal and close the file. 16 IT IS SO ORDERED. 17 A | □ 18 || DATED: April 23, 2025 19
Hcn. Cynthia Bashant, Chief Judge United States District Court 20 31 The Court’s January 15,
2025 Order, which was mailed to Sanchez at the address he provided when filing this case—
Salinas Valley State Prison (“SVSP”)—was returned as undeliverable by the U.S. 22 || Postal
Service on February 3, 2025.

(See ECF No. 11.) Because the return envelope contained a notation of “MCSP” and indicated the mail had been “refused” at SVSP, see *id.* at 2, the Court presumed it was 23 || because Sanchez had since been transferred to Mule Creek State Prison.

Therefore, in an abundance of 24 caution, the Court directed the Clerk to resend a copy of its Order to Sanchez at MCSP on February 7, 2025. (See Staff Notes dated 2/7/25.) The docket does not reflect that the February 7, 2025 remailing 25 || was refused or returned undeliverable. Nevertheless, Sanchez has not filed a notice of change of address at any time before or since the Court’s initial mailing was returned undelivered on February 3, 2025.

See 26 ||S.D. Cal. Civil Local Rule 83.11.b (“A party proceeding pro se must keep the Court and opposing parties advised as to current address. If mail directed to a pro se plaintiff by the Clerk at the plaintiff’s last 27 designated address is returned by the Post Office, and if such plaintiff fails to notify the Court and 28 opposing parties within 60 days thereafter of the plaintiff’s current address, the Court may dismiss the action without prejudice for failure to prosecute.”).