

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

**Sanchez v. Paramo**

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

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OPINION

Sanchez v. Paramo

PER CURIAM.

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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.").