

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Karl Joshua v. Ronald Oliver, et al.

Joshua · No. 2:23-cv-01087-MMD-MDC · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Nevada dismisses Karl Joshua’s 42 U.S.C. § 1983 action without prejudice for failing to file a required notice of change of address after being warned that noncompliance could result in dismissal. Applying Ninth Circuit dismissal factors, the court concludes that dismissal is appropriate and directs the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 21, 2026
DOCKET	2:23-cv-01087-MMD-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff brought a 42 U.S.C. § 1983 civil rights action and failed to comply with an order requiring him to file a notice of change of address after his release from Nevada Department of Corrections custody. The district court dismissed the action without prejudice for failure to obey the court's order.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal as a sanction for failure to obey a court order or prosecute an action.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Karl Joshua v. Ronald Oliver, et al.

TOPICS

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

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed under the court's inherent authority because Joshua failed to comply with the order requiring him to file a notice of change of address.
2. Whether the five factors governing dismissal for failure to obey a court order or prosecute favored dismissal and whether a less drastic alternative was meaningful or available.

HOLDINGS

1. A district court may dismiss an action as a sanction under its inherent authority when a party fails to obey a court order or otherwise fails to prosecute the action.
2. In deciding whether to dismiss for failure to obey a court order or prosecute an action, the court must consider the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic alternatives.
3. A court must explore possible and meaningful alternatives before dismissing an action, but it need not exhaust every sanction short of dismissal.
4. Dismissal without prejudice was warranted because Joshua failed to file the required notice of change of address after receiving a warning and did not otherwise respond.

KEY QUOTATIONS

“need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives.” (at 3)

FACTUAL BACKGROUND

Karl Joshua brought a § 1983 action concerning alleged constitutional violations suffered while incarcerated in Nevada Department of Corrections custody. Joshua was released from custody on November 15, 2025, but did not file the required notice of change of address after being advised to do so. He also failed to respond after the court issued an order warning that noncompliance by January 16, 2026, could result in dismissal.

PROCEDURAL HISTORY

The court had stayed the action and directed the parties to file a status report. Defendants reported that Joshua had been released from custody and had been advised to update his address. After Joshua failed to file a notice of change of address, the court warned him that the action could be dismissed if he did not comply by January 16, 2026. Joshua did not respond, and the court dismissed the action without prejudice and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

Joshua

PER CURIAM.

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * * 6 KARL JOSHUA, Case No. 2:23-cv-01087-MMD-MDC 7 Plaintiff, ORDER v. 8
RONALD OLIVER, et al., 9 Defendants. 10

11 I. SUMMARY

12 Plaintiff Karl Joshua brings this civil rights action under 42 U.S.C. § 1983 to redress 13
constitutional violations that he claims he suffered while incarcerated in the custody of the 14
Nevada Department of Corrections (“NDOC”). (ECF No. 59.) On August 11, 2025, the 15 Court
granted the joint motion to stay case (ECF No. 83) until December 14, 2025 and 16 directed the
parties to file a status report by the same day. (ECF No. 84.) Defendants filed 17 a status report
indicating that Plaintiff was released from NDOC custody on November 18 15, 2025, and that
Defendants had advised Joshua to file a notice of change of address 19 with the Court. (ECF No.
85.) On December 15, 2025 the Court warned Joshua that if he 20 failed to file a notice of change
of address by January 16, 2026 the action could be 21 dismissed.¹ (ECF No. 87 (“Order”).) That
deadline expired and Joshua did not file a notice 22 of change of address, move for an extension,
or otherwise respond.

23 II. DISCUSSION

24 District courts have the inherent power to control their dockets and “[i]n the 25 exercise of that
power, they may impose sanctions including, where appropriate . . . 26 dismissal” of a case.
Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 27 (9th Cir. 1986). A court
may dismiss an action based on a party’s failure to obey a court 28 2 1988) (affirming dismissal
for failure to comply with local rule requiring pro se plaintiffs to 3 keep court apprised of address);
Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th

4 Cir. 1987) (dismissal for failure to comply with court order). In determining whether to

5 dismiss an action on one of these grounds, the Court must consider: (1) the public’s 6 interest in
expeditious resolution of litigation; (2) the Court’s need to manage its docket; 7 (3) the risk of

prejudice to the defendants; (4) the public policy favoring disposition of 8 cases on their merits; and (5) the availability of less drastic alternatives. See *In re 9 Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting 10 *Malone*, 833 F.2d at 130). 11 The first two factors, the public’s interest in expeditiously resolving this litigation 12 and the Court’s interest in managing its docket, weigh in favor of dismissal of Joshua’s 13 claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal 14 because a presumption of injury arises from the occurrence of unreasonable delay in filing 15 a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 16 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of 17 cases on their merits—is greatly outweighed by the factors favoring dismissal. 18 The fifth factor requires the Court to consider whether less drastic alternatives can 19 be used to correct the party’s failure that brought about the Court’s need to consider 20 dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining 21 that considering less drastic alternatives before the party has disobeyed a court order 22 does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th 23 Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that 24 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court’s 25 order as satisfying this element[,]” i.e., like the “initial granting of leave to amend coupled 26 with the warning of dismissal for failure to comply[,]” have been “eroded” by *Yourish*). 27 Courts “need not exhaust every sanction short of dismissal before finally dismissing a 28 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 1 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until and 2 || unless Joshua updates his address with the Court, the only alternative is to enter a second 3 || order setting another deadline. But the reality of repeating an ignored order is that it often 4 || only delays the inevitable and squanders the Court’s finite resources. The circumstances 5 || here do not indicate that this case will be an exception—indeed, because the Court’s 6 || Order was returned as undeliverable, a second order would again be returned. Setting 7 || another deadline is not a meaningful alternative given these circumstances. So, the fifth 8 || factor favors dismissal. 9 Having thoroughly considered the dismissal factors, the Court finds that they weigh 10 || in favor of dismissal. 11 Ill. «CONCLUSION 12 It is therefore ordered that this action is dismissed without prejudice based on 13 || Joshua’s failure to file a notice of change of address in compliance with the □□□□□□ 14 || December 15, 2025 order (ECF No. 87). 15 The Clerk of Court is further directed to enter judgment accordingly and close this 16 || case. No other documents may be filed in this now-closed case. 17 DATED THIS 215 Day of January 2026. 19

MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE
21 22 23 24 25 26 27 28

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