

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

OPINION

2 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 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 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 III. «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

