

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jose Luis Babin v. God Speed, et al.

Babin · No. 2:25-cv-01627-GMN-DJA · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Nevada dismissed Jose Luis Babin’s case without prejudice after he failed to update his address as ordered. Applying the Ninth Circuit’s dismissal factors for failure to comply with a court order, the court concluded that dismissal was warranted because the action could not proceed without an updated address and no meaningful lesser alternative was available.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Gloria M. Navarro
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 7, 2026
DOCKET	2:25-cv-01627-GMN-DJA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after Plaintiff failed to update his address as ordered and warned.
STANDARD OF REVIEW	A district court may dismiss an action for failure to comply with a court order after considering the five dismissal factors identified by the Ninth Circuit.
PRECEDENTIAL VALUE	Unknown

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice because Plaintiff failed to comply with the court's order to update his address.
2. Whether the five-factor test for dismissal for failure to comply with a court order favored dismissal under the circumstances.

HOLDINGS

1. A district court may dismiss an action when a party fails to comply with a court order.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, docket management, prejudice to Defendants, and the absence of a meaningful less-drastic alternative outweighed the policy favoring disposition on the merits.

KEY QUOTATIONS

“In determining whether to dismiss an action on this ground, the court must consider: (1) the public’s interest in expeditious resolution of litigation, (2) the court’s need to manage its docket, (3) the risk of prejudice to the defendants, (4) the public policy favoring disposition of cases on their merits, and (5) the availability of less-drastic alternatives.” (at 1)

“Courts “need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful alternatives.”” (at 2)

FACTUAL BACKGROUND

Jose Luis Babin filed this civil action and was required to maintain a current address on the docket. Mail sent to him was returned as undeliverable, and the court ordered him to update his address by a specified deadline. Babin failed to update his address, preventing the action from proceeding.

PROCEDURAL HISTORY

Plaintiff initiated the action on August 29, 2025. After mail to Plaintiff was returned as undeliverable, the court ordered him to update his address by December 29, 2025 and warned that failure to comply could result in dismissal. Plaintiff did not update his address, and the court dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *In re Phenylpropanolamine Products Liability Litigation*, 460 F.3d 1217, 1226 (9th Cir. 2006)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)
- *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976)
- *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

- Hernandez v. City of El Monte, 138 F.3d 393 (9th Cir. 1998)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 JOSE LUIS BABIN, 4 Plaintiff, Case No.: 2:25-cv-01627-GMN-DJA 5 vs. 6 ORDER DISMISSING CASE GOD SPEED, et al., 7 Defendants. 8 9 10 On August 29, 2025, Plaintiff Jose Luis Babin initiated this case. (ECF No. 1). 11 Magistrate Judge Albregts ordered Plaintiff to either pay the filing fee for a civil action or file a 12 completed in forma pauperis (IFP) application.

(Order, ECF No. 3). Plaintiff paid the filing fee 13 on September 24, 2024, and his Complaint was subsequently filed on the docket. (Compl., ECF 14 No. 5). The Court was notified that mail to Plaintiff was returned as undeliverable on October 15 6, 2025. (ECF No 6).

The Court then ordered Plaintiff to update his address no later than 16 December 29, 2025, and warned that failure to do so may result in the Court dismissing the 17 case. (Minute Order, ECF No. 7 (citing LR IA 3-1)).

To date, Plaintiff has failed to update his 18 address on the docket. As a result, the Court dismisses the case without prejudice. 19 The law permits a district court to dismiss an action based on a party's failure to comply 20 with a court order. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal 21 for failure to comply with an order requiring amendment of complaint).

In determining 22 whether to dismiss an action on this ground, the court must consider: (1) the public's interest in 23 expeditious resolution of litigation, (2) the court's need to manage its docket, (3) the risk of 24 prejudice to the defendants, (4) the public policy favoring disposition of cases on their merits, 25 and (5) the availability of less-drastic alternatives.

In *re Phenylpropanolamine Prod. Liab. 1 Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 2 130 (9th Cir. 1987)). 3 The first two factors, the public's interest in expeditiously resolving this litigation and 4 the Court's interest in managing its docket, weigh in favor of dismissal of Plaintiff's claims. 5 The third factor, risk of prejudice to Defendants, also weighs in favor of dismissal because a 6 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading 7 ordered by the court or prosecuting an action.

See *Anderson v. Air West*, 542 F.2d 522, 524 (9th 8 Cir. 1976). The fourth factor—the public policy favoring disposition of cases on their merits— 9 weighs against dismissal. 10 The fifth factor requires the Court to consider whether less-drastic alternatives can be 11 used to correct the party's failure that brought about the Court's need to consider dismissal.

12 Courts “need not exhaust every sanction short of dismissal before finally dismissing a case but
13 must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 14
1424 (9th Cir. 1986). Because this action cannot proceed without Plaintiff’s updated address, 15
the only alternative is to enter another order setting another deadline.

The circumstances here 16 do not indicate that Plaintiff needs additional time. Therefore, setting
another deadline is not a 17 meaningful alternative. So, the fifth factor favors dismissal. On
balance, the factors above 18 favor a recommendation of dismissal. See *Hernandez v. City of El*
Monte, 138 F.3d 393 (9th 19 Cir. 1998) (holding that dismissal is proper where at least four factors
support dismissal or 20 where at least three factors “strongly” support dismissal).

21 /// 22 /// 23 /// 24 /// 25 /// 1 Accordingly, 2 IT IS HEREBY ORDERED that this case is
DISMISSED without prejudice for 3 || Plaintiff’s failure to update his address in compliance with
the Court’s deadline. 4 Dated this ____7 day of January, 2026. 5 Jif lb Gloria M. 6 arro, District
Judge 8 United States District Court 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 3 of
3