

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Chavarry v. San Diego County Jail Medical Staff

No. 3:24-cv-01411-RSH-VET (S.D. Cal. Feb. 25, 2025) · No. 3:24-cv-01411-RSH-VET · Decided February 25,
2025

SUMMARY

The United States District Court for the Southern District of California dismissed Maurice Terae Chavarry, Jr.'s pro se civil rights action under 42 U.S.C. § 1983 without prejudice. The court dismissed the action under Federal Rule of Civil Procedure 41(b) after the plaintiff failed to file an amended complaint, update his address, or otherwise communicate with the court, and directed the Clerk to close the case.

OPINION

Chavarry v. San Diego County Jail Medical Staff

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9 10 MAURICE TERAЕ CHAVARRY, Jr., Case No.: 3:24-cv-01411-RSH-VET Booking
#24728371, 11

ORDER DISMISSING ACTION

Plaintiff, 12 vs. 13 14

SAN DIEGO COUNTY JAIL MEDICAL

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STAFF; SAN DIEGO COUNTY

16 SHERIFF’S DEPARTMENT,

17 Defendants. 18

19 On August 7, 2024, Maurice Terae Chavarry, Jr. (“Plaintiff”), a detainee proceeding 20 pro se,
filed a civil rights action pursuant to 42 U.S.C. § 1983 [ECF No. 1]. On December 21 30, 2024,
the Court entered an Order granting Plaintiff’s IFP application but dismissed the 22 Complaint
without prejudice and with leave to amend. ECF No. 3. The Court gave Plaintiff 23 until February
14, 2025 to file an amended complaint that cured the pleading deficiencies 24 identified in the
dismissal order and also cautioned Plaintiff that a failure to respond by 25 filing an amended
complaint would result in the Court entering a final order of dismissal 26 of this action. See id. at
11. 27 28 1 Thereafter, mail sent by the Clerk to Plaintiff's address of record was returned as 2 ||

undeliverable, and Plaintiff has not amended his complaint, provided an updated address, 3 || or otherwise communicated with the Court. “The failure of the plaintiff eventually to 4 respond to the court’s ulttmatum—either by amending the complaint or by indicating to the 5 || court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.” 6 || Edwards v. Marin Park, 356 F.3d 1058, 1065 (9th Cir. 2004); Henderson v. Duncan, 779 7 || F.2d 1421, 1423 (9th Cir. 1986) (the Court has discretion to sua sponte dismiss a case for 8 || lack of prosecution or failure to comply with a court order). Therefore, the Court 9 || DISMISSES this civil action without prejudice. The Court DIRECTS the Clerk to close 10 || the case.

1] IT IS SO ORDERED. ‘

12 || Dated: February 25, 2025 fekut ¢ Howe 13 Hon.RobertS.Huie ——S 14 United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28 2 oe