

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.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 25, 2025
DOCKET	3:24-cv-01411-RSH-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se detainee brought a 42 U.S.C. § 1983 civil-rights action. After dismissing the original complaint without prejudice and granting leave to amend, the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) when plaintiff failed to amend, failed to update his address, and failed to communicate with the court.
STANDARD OF REVIEW	The court exercised discretion to dismiss sua sponte for failure to prosecute and failure to comply with a court order.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- civil procedure
- pleadings
- sanctions
- civil rights
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) because plaintiff failed to prosecute the action and failed to comply with the court's order directing him to file an amended complaint.

HOLDINGS

1. A court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to respond to a court-ordered deadline, fails to prosecute, and fails to comply with a court order.

KEY QUOTATIONS

“The failure of the plaintiff eventually to respond to the court’s ulttmatum—either by amending the complaint or by indicating to the court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.” (2)

FACTUAL BACKGROUND

Plaintiff, a detainee proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983. After the court dismissed his initial complaint with leave to amend and established a deadline for curing pleading deficiencies, mail sent to his address of record was returned as undeliverable. Plaintiff did not file an amended complaint, provide an updated address, or otherwise communicate with the court.

PROCEDURAL HISTORY

Plaintiff filed the action on August 7, 2024, and was granted leave to proceed in forma pauperis. On December 30, 2024, the court dismissed the complaint without prejudice and allowed plaintiff until February 14, 2025, to file an amended complaint curing identified pleading deficiencies. Mail to plaintiff was returned as undeliverable, and plaintiff neither amended the complaint nor provided an updated address or otherwise contacted the court. The court then dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Edwards v. Marin Park, 356 F.3d 1058, 1065 (9th Cir. 2004)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)

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