

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jessie Adams v. Sergio Jimenez

Adams v. Jimenez · No. CV-26-00042-TUC-BGM · Decided March 2, 2026

SUMMARY

The United States Magistrate Judge recommends dismissal without prejudice of Jessie Adams's pro se civil complaint because mail was returned as undeliverable twice and Plaintiff failed to provide a valid mailing address. The recommendation relies on court orders and local rules concerning returned mail, address updates, prosecution of claims, and dismissal for failure to comply with court orders. The parties are advised of the procedure and deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Bruce G. Macdonald
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 2, 2026
DOCKET	CV-26-00042-TUC-BGM
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation by a United States magistrate judge recommending dismissal of a pro se complaint without prejudice because the plaintiff failed to maintain a valid mailing address and comply with the court's address-update requirements.
STANDARD OF REVIEW	The district judge is to conduct an independent review of the Report and Recommendation; failure to timely object may waive de novo review of factual or legal determinations.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- federal courts

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice because Plaintiff failed to maintain a valid mailing address and comply with the court's address-update requirements.
2. Whether the magistrate judge should issue a Report and Recommendation rather than enter a final dismissal order because the parties had not fully consented to magistrate-judge jurisdiction.

HOLDINGS

1. The magistrate judge recommended that the complaint be denied and the action dismissed without prejudice because Plaintiff failed to maintain a valid mailing address and comply with the court's address-update requirements, preventing the action from being prosecuted.
2. Because the parties had not fully consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c)(1), the magistrate judge recommended disposition to the district judge rather than entering a final dismissal order.

KEY QUOTATIONS

“For the foregoing reasons, the Magistrate Judge recommends that the District Judge, after his independent review, issue an order DENYING Plaintiff’s Complaint (Doc. 1) and DISMISSING this case WITHOUT PREJUDICE.” (at 2)

“It is the Plaintiff’s duty to prosecute her claims” (at 1)

FACTUAL BACKGROUND

The Clerk's Office mailed court documents to Plaintiff's last-known address, but the mail was returned as undeliverable on two separate occasions. Plaintiff had been advised of her duty under the District of Arizona's local rules to provide notice of any change of address. The court therefore determined that it could not reliably communicate with Plaintiff and declined to reach the merits of the complaint or in forma pauperis application.

PROCEDURAL HISTORY

Plaintiff filed a civil complaint and an application to proceed without prepaying fees or costs on January 22, 2026. Court mail was returned as undeliverable twice, and the docket showed no valid mailing address or filed change-of-address notice. Because the magistrate judge lacked full consent jurisdiction under 28 U.S.C. § 636(c)(1), the judge issued a Report and Recommendation to the district judge, recommending denial of the complaint and dismissal without prejudice, subject to objections under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2).

DISPOSITION

other

CASES CITED

- *Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978)

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992)

OPINION

Adams

PER CURIAM.

1 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Jessie Adams, No. CV-26-00042-TUC-BGM 10 Plaintiff, REPORT AND
RECOMMENDATION 11 v. 12 Sergio Jimenez, 13 Defendant. 14 15 On January 22, 2026, pro se
Plaintiff Jessie Adams filed a Complaint for a 16 Civil Case and an Application to Proceed in
District Court Without Prepaying Fees or Costs 17 (Short Form). (Docs. 1, 2.) The following day,
the Clerk's Office mailed Plaintiff a 18 Consent to Exercise of Jurisdiction by a United States
Magistrate Judge form, a Notice to 19 Pro-Se4 Non-Prisoner Parties Representing Themselves
form, a Request by Non-Prisoner 20 Pro Se Party for Electronic Noticing form, and a Notice to
Self-Represented Litigant 21 handout. (Docs. 3, 4.) The consent to Magistrate Judge jurisdiction
form was mailed in a 22 separate envelope. (See Doc. 7.) On February 10, 2026, and February 19,
2026, the mail 23 was returned to the Clerk's Office as undeliverable. (See Docs. 6, 7.) 24 General
Order 14-10 provides: 25 In accordance with the Federal Rules of Civil Procedure, the Clerk's
Office 26 mails paper copies of documents filed by the Court to any unrepresented 27 party who is
not a registered ECF user. If the document is later returned as undeliverable by the United States
Postal Service, the document is filed and 28 entered on the docket using a returned mail event. The
current practice is for 1 the Clerk's Office to continue mailing subsequent documents to the
returned mail address, as no other address is available. 2 3 Effective immediately, the Court will
discontinue the mailing of subsequent documents to unrepresented parties who are not registered
ECF users in any 4 case where documents have been returned twice by the United States Postal 5
Service and no change of address has been filed. 6 7 General Order 21-25 provides: 8 When a
United States Magistrate Judge to whom a civil action has been 9 assigned pursuant to Local Rule
3.7(a)(1) considers dismissal to be 10 appropriate but lacks the jurisdiction to do so under 28
U.S.C. § 636(c)(1) due to incomplete status of election by the parties to consent or not consent 11
to the full authority of the Magistrate Judge, ... the Magistrate Judge will 12 prepare a Report and
Recommendation for the Chief United States District Judge or designee. 13 14 Finally, Local Rule
of Civil Procedure 83.3(d) requires that all unrepresented parties 15 file a change of address notice
"no later than fourteen (14) days before the effective date 16 of the change." LRCiv 83.3(d). 17
The docket indicates that the Clerk's Office does not have a valid mailing address 18 for Plaintiff.
Mail sent to Plaintiff's last-known mailing address has been returned to the 19 Clerk's Office on
two separate occasions. (See Docs. 6, 7.) The docket also reflects that 20 the undersigned
Magistrate Judge does not have the full consent of the parties to Magistrate 21 Judge jurisdiction.

It is the Plaintiff's duty to prosecute her claims, *Fid. Phila. Tr. Co. v. 22 Pioche Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978), and she has been forewarned 23 of her responsibility to update the Court of any change of address pursuant to the Local 24 Rules, (see Doc. 4 at 6). As such, the Court declines to address the merits of Plaintiff's 25 complaint and in forma pauperis application and instead recommends that the complaint 26 be dismissed without prejudice for failing to follow a Court order. See *Ferdik v. Bonzelet*, 27 963 F.2d 1258, 1260 (9th Cir. 1992) ("[T]he district court may dismiss an action for failure 28 to comply with any order of the court.").

1 RECOMMENDATION

2 For the foregoing reasons, the Magistrate Judge recommends that the District Judge, || after his independent review, issue an order DENYING Plaintiff's Complaint (Doc. 1) and DISMISSING this case WITHOUT PREJUDICE. Pursuant to 28 U.S.C. § 636(b)(1) and 5 || Federal Rule of Civil Procedure 72(b)(2), any party may serve and file written objections 6 || within fourteen (14) days of being served with a copy of this Report and Recommendation, 7 || and a party may respond to another party's objections within fourteen (14) days after being 8 || served with a copy. No replies shall be filed unless leave is granted by the District Court. || If objections are filed, the parties should use the following case number: CV-26-42-RCC. Failure to file timely objections to any factual or legal determination of the Magistrate 11 || Judge may result in waiver of the right of de novo review. 12 13 Dated this 2nd day of March, 2026. 14 16 Honorable Bruce G. Macdonald
7 United States Magistrate Judge 18 19 20 21 22 23 24 25 26 27 28 _3-