

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.

OPINION

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 ||
anda 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-

