

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Will Robinson, III v. Vallejo CA Police Dept., et al.**

Robinson · No. 2:24-cv-03194-TLN-CSK · Decided July 1, 2025

SUMMARY

This document is an order to show cause issued by the United States District Court for the Eastern District of California in Robinson v. Vallejo CA Police Dept., et al. The court directs the pro se plaintiff to respond within 21 days, submit a proper in forma pauperis request, and provide a current address. It warns that failure to comply may result in a recommendation to dismiss the action for failure to prosecute.

CASE DETAILS

|                    |                                                                                                                                                                                                          |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of California                                                                                                                                      |
| DECIDED            | July 1, 2025                                                                                                                                                                                             |
| DOCKET             | 2:24-cv-03194-TLN-CSK                                                                                                                                                                                    |
| DISPOSITION        | other                                                                                                                                                                                                    |
| PROCEDURAL POSTURE | The court issued an order to show cause after Plaintiff failed to submit a new in forma pauperis request on the proper form, failed to update his address, and had court mail returned as undeliverable. |
| PRECEDENTIAL VALUE | unpublished                                                                                                                                                                                              |
| PARTIES            | Will Robinson, III v. Vallejo CA Police Dept., et al.                                                                                                                                                    |

TOPICS

- sanctions
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

- Whether the court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order and applicable local rules.
- Whether dismissal was appropriate immediately based on Plaintiff's failure to submit a proper IFP request and update his address, or whether a lesser sanction and an opportunity to show cause should

first be provided.

## HOLDINGS

1. A district court may impose sanctions, including sua sponte dismissal under Federal Rule of Civil Procedure 41(b), when a plaintiff fails to prosecute or fails to comply with a court order, the Federal Rules of Civil Procedure, or applicable local rules.
2. Service of court documents at a pro se party's address of record is effective, and a pro se plaintiff who fails to update the court and opposing parties after mail is returned may face dismissal without prejudice for failure to prosecute.
3. Immediate dismissal was not imposed at this stage; in light of Plaintiff's pro se status, the court first employed a lesser sanction by issuing an order to show cause and providing twenty-one days to respond, file a proper IFP request, and provide a current address.

## KEY QUOTATIONS

*“A district court may impose sanctions, including involuntary dismissal of a plaintiff’s case pursuant to Federal Rule of Civil Procedure 41(b), where the plaintiff fails to prosecute his or her case or fails to comply with the court’s orders, the Federal Rules of Civil Procedure, or the court’s local rules.” (at 1)*

*“A party appearing in propria persona shall keep the Court and opposing parties advised as to his or her current address.” (at 2)*

*“Plaintiff has twenty-one (21) days to respond to this order to show cause and file an IFP request on a proper form and provide a current address.” (at 3)*

## FACTUAL BACKGROUND

Plaintiff was proceeding pro se. After the court denied his initial request to proceed in forma pauperis, it ordered him to submit a new request on the proper form within thirty days. The order was returned as undeliverable, and Plaintiff had not submitted a new request or updated his address with the court. The court determined that service at the address of record remained effective and that Plaintiff had an ongoing responsibility to keep the court informed of his current address.

## PROCEDURAL HISTORY

The court previously denied Plaintiff's request to proceed in forma pauperis and gave him thirty days to submit a new request on the proper form. The order was returned as undeliverable, and Plaintiff neither submitted the required request nor updated his address. Rather than immediately dismissing the action, the court issued an order to show cause and allowed twenty-one days for Plaintiff to respond, submit a proper IFP request, and provide a current address.

## DISPOSITION

other

## CASES CITED

- Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991)
- Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992), as amended (1992)

## OPINION

(PS) Robinson v. Vallejo CA

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 WILL ROBINSON, III, Case No. 2:24-cv-03194-TLN-CSK 12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 VALLEJO CA POLICE DEPT., et al., 15 Defendants. 16 17 Plaintiff Will Robinson, III, is proceeding in this action pro se. 1 On April 14, 2025, 18 the Court issued an order denying Plaintiff's request for leave to proceed in forma 19 pauperis ("IFP") and granted Plaintiff thirty (30) days to submit a new IFP request on a 20 proper form. (ECF No. 10.) This order was mailed to Plaintiff by mail. However, on May 21 5, 2025, the mail returned as undeliverable. To date, Plaintiff has not submitted a new 22 IFP request or updated his address with the Court. 23 A district court may impose sanctions, including involuntary dismissal of a 24 plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b), where the plaintiff fails 25 to prosecute his or her case or fails to comply with the court's orders, the Federal Rules 26 of Civil Procedure, or the court's local rules. See Chambers v. NASCO, Inc., 501 U.S. 27 1 This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. 28 Civ. P. 72, and Local Rule 302(c)(21). 1 32, 44 (1991) (recognizing that a court "may act sua sponte to dismiss a suit for failure to 2 prosecute"); Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 3 (9th Cir. 2005) (approving sua sponte dismissals under Rule 41(b)); Ferdik v. Bonzelet, 4 963 F.2d 1258, 1260 (9th Cir. 1992), as amended (9th Cir. 1992) ("Pursuant to Federal 5 Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to 6 comply with any order of the court."). This Court's Local Rules are in accord. See E.D. 7 Cal. Local Rule 110 ("Failure of counsel or of a party to comply with these Rules or with 8 any order of the Court may be grounds for imposition by the Court of any and all 9 sanctions authorized by statute or Rule or within the inherent power of the Court."); E.D. 10 Cal. Local Rule 183(a) (providing that a pro se party's failure to comply with the Federal 11 Rules of Civil Procedure, the court's Local Rules, and other applicable law may support, 12 among other things, dismissal of that party's action). 13 The Court has considered whether this action should be dismissed at this juncture 14 due to Plaintiffs' failure to file an IFP request on a proper form as ordered by the Court 15 and for failure to notify the Court of his current address. As noted above, Plaintiff's copy 16 of the Court's last order was

returned as undeliverable. Despite such return, Plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective. It is the Plaintiff's responsibility to keep the Court apprised of his current address at all times. It appears that Plaintiff has failed to comply with Local Rule 183(b), which provides that: A party appearing in propria persona shall keep the Court and opposing parties advised as to his or her current address. If mail directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within thirty (30) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute. Nevertheless, in light of Plaintiff's pro se status, the Court first attempts lesser sanctions by issuing this order to show cause. Plaintiff has twenty-one (21) days to respond to this order to show cause and file an IFP request on a proper form and provide a current address. Plaintiff is cautioned that failure to respond to this order will result in a recommendation to dismiss this action for failure to prosecute. Dated: 07/01/25 ve - S\$ . 3 op WL

4 UNITED STATES MAGISTRATE JUDGE

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