

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Leonard v. Diaz

Leonard · No. 1:22-cv-00381-KES-GSA · Decided April 21, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Trayvon Leonard’s motion under Federal Rule of Civil Procedure 60(b)(1) for relief from the dismissal of his prisoner civil-rights action for failure to prosecute. The court finds that Leonard’s failure to update his address resulted from excusable neglect, that the motion was timely, and that defendants would suffer no prejudice because they had not been served. The court sets aside the dismissal order and judgment, directs the Clerk to update Leonard’s address, and refers the matter back to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 21, 2025
DOCKET	1:22-cv-00381-KES-GSA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for relief from the court's prior order dismissing his prisoner civil-rights action without prejudice for failure to prosecute. The district court granted the motion, set aside the dismissal order and judgment, updated plaintiff's address, and referred the matter for further proceedings.
STANDARD OF REVIEW	Abuse-of-discretion principles govern Rule 60(b) motions, but the court evaluates whether the circumstances establish entitlement to relief under Rule 60(b)(1), including the Pioneer excusable-neglect factors.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion for reconsideration
- civil procedure
- prisoners rights
- section 1983
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's motion filed more than 28 days after judgment should be treated as a motion for relief under Federal Rule of Civil Procedure 60(b) rather than a Rule 59(e) motion.
2. Whether plaintiff filed the Rule 60(b) motion within a reasonable time under Rule 60(c)(1).
3. Whether plaintiff demonstrated mistake, inadvertence, or excusable neglect warranting relief under Rule 60(b)(1) from the dismissal for failure to prosecute.

HOLDINGS

1. A motion filed more than 28 days after entry of judgment is properly treated as a motion for relief under Federal Rule of Civil Procedure 60(b), rather than as a Rule 59(e) motion.
2. Plaintiff's Rule 60(b)(1) motion was filed within a reasonable time under Rule 60(c)(1).
3. Plaintiff demonstrated excusable neglect under Rule 60(b)(1), warranting relief from the dismissal order and judgment.

KEY QUOTATIONS

“Such “discretion ordinarily should incline toward granting rather than denying relief, especially if no intervening rights have attached in reliance upon the judgment and no actual injustice will ensue,”” (at 3)

“the interests of justice are best served by a trial on the merits.” (at 3)

“Because Rule 60(b)(1) guides the balance between the overriding judicial goal of deciding cases correctly, on the basis of their legal and factual merits, with the interest of both litigants and the courts in the finality of judgments,” (at 6)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, initiated this civil-rights action in March 2022 and remained pending screening for an extended period. After plaintiff was transferred from defendants' custody to the North Carolina Department of Adult Corrections, court mail was returned as undeliverable with the notation “Paroled.” The court dismissed the action without prejudice after plaintiff failed to update his address, but plaintiff later asserted that he had attempted to notify the court of his transfer and did not learn of the dismissal until a friend checked the case on Westlaw. The defendants had not been served or appeared, and plaintiff's motion included his current address.

PROCEDURAL HISTORY

Plaintiff filed the action and an in forma pauperis application in March 2022. After transfer to the Fresno Division, the court granted in forma pauperis status. In July 2024, the magistrate judge ordered plaintiff to update his address; the order was returned as undeliverable. The magistrate judge recommended dismissal under Rule 41(b) and Local Rule 183(b), and the district court adopted that recommendation on October 10, 2024. Plaintiff moved to reinstate the case on March 31, 2025, asserting that he had been transferred between correctional institutions and had not received the relevant court orders.

DISPOSITION

other

REMAND INSTRUCTIONS

The dismissal order and subsequent judgment are set aside pursuant to Rule 60(b); the clerk must update plaintiff's address; and the matter is referred back to the assigned magistrate judge for further proceedings consistent with the order.

CASES CITED

- Langley v. Well Path Med., No. 2:19-cv-01022-TLN-DMC, 2020 WL 243228, at *1 (E.D. Cal. Jan. 16, 2020)
- Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 888-89 (9th Cir. 2001)
- Savarese v. Edrick Transfer & Storage, Inc., 513 F.2d 140, 146 (9th Cir. 1975)
- Martella v. Marine Cooks & Stewards Union, Seafarers Intern. Union of N. Am., AFL-CIO, 448 F.2d 729, 730 (9th Cir. 1971)
- Patapoff v. Bollstedt's Inc., 267 F.2d 863 (9th Cir. 1959)
- Schwab v. Bullock's Inc., 508 F.2d 353, 355 (9th Cir. 1974)
- Lemoge v. U.S., 587 F.3d 1188, 1195-97 (9th Cir. 2009)
- In re Eisen, 31 F.3d 1447, 1453 (9th Cir. 1994)
- Bateman v. U.S. Postal Serv., 231 F.3d 1220, 1224-25 (9th Cir. 2000)
- Harvest v. Castro, 531 F.3d 737, 746-48 (9th Cir. 2008)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 392-93 (1993)
- Pincay v. Andrews, 389 F.3d 853, 858-59 (9th Cir. 2004) (en banc)
- Falk v. Allen, 739 F.2d 461, 464 (9th Cir. 1984)
- Allah v. Rutledge, Case No. EDCV 17-1748-JAK (RAO), 2020 WL 8410446, at *4 (C.D. Cal. Aug. 24, 2020)
- Fiorito v. Brewer, 2024 WL 2398818, at *2 (E.D. Cal. May 23, 2024)
- Lopez v. CDC Director, No. 2:21-cv-02094-DAD-AC (PC), 2024 WL 1800546, at *1 (E.D. Cal. Apr. 25, 2024)
- Goff v. Gamez, Case No. 1:15-cv-00937-AWI-EPG (PC), 2023 WL 8675084, at *5 (E.D. Cal. Dec. 15, 2023), adopted by Case No. 1:15-cv-00937-KES-EPG (PC), 2024 WL 3205191 (E.D. Cal. June 27, 2024)