

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

William Coney v. Jimenez, et al.

Coney · No. 2:25-cv-00822-APG-EJY · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Nevada dismissed William Coney’s 42 U.S.C. § 1983 action without prejudice because he failed to provide an updated address and submit a non-inmate in forma pauperis application as ordered. The court concluded that the relevant dismissal factors favored dismissal and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 21, 2026
DOCKET	2:25-cv-00822-APG-EJY
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After the magistrate judge ordered him to update his address and submit a non-inmate application to proceed in forma pauperis, plaintiff failed to comply, and the district court dismissed the action without prejudice.
STANDARD OF REVIEW	The court applied the discretionary five-factor framework governing dismissal for failure to obey a court order or comply with local rules.
PRECEDENTIAL VALUE	Unknown

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional law
- federal courts

QUESTIONS PRESENTED

1. Whether the court should dismiss the action without prejudice because plaintiff failed to update his address as ordered.

2. Whether the five factors governing dismissal for failure to obey a court order favored dismissal under the circumstances.

HOLDINGS

1. A district court may dismiss an action when a party fails to obey a court order or comply with applicable local rules, pursuant to the court's inherent power to control its docket.
2. The public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, and the inadequacy of less drastic alternatives outweighed the policy favoring disposition on the merits; dismissal was therefore warranted.

FACTUAL BACKGROUND

Coney filed a § 1983 action alleging constitutional violations suffered while incarcerated. The magistrate judge ordered him to update his address and submit a non-inmate IFP application by January 16, 2026. He did neither, and mail from the court was returned as undeliverable, preventing the court and defendants from sending case-related documents and orders.

PROCEDURAL HISTORY

On December 16, 2025, the magistrate judge ordered Coney to update his address and submit a non-inmate IFP application by January 16, 2026. Coney did not comply, and court mail was returned as undeliverable. The district court considered the Ninth Circuit's five dismissal factors and dismissed the action without prejudice, directing the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)
- In re Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006)
- Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)

OPINION

Coney

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 WILLIAM CONEY, Case No.: 2:25-cv-00822-APG-EJY 4 Plaintiff Dismissal Order 5 v. 6
JIMENEZ, et al., 7 Defendants 8 9 Plaintiff William Coney brings this civil-rights action under 42
U.S.C. § 1983 to redress 10 constitutional violations that he claims he suffered while incarcerated.
ECF No. 1-1. On

11 December 16, 2025, the magistrate judge ordered Coney to update his address and submit an
12 application to proceed in forma pauperis (IFP) by a non-inmate by January 16, 2026. ECF No.
3. 13 That deadline expired without an updated address or non-inmate IFP from Coney, and his
mail 14 from the court is being returned as undeliverable. See ECF No. 4. 15 I. Discussion 16
District courts have the inherent power to control their dockets and “[i]n the exercise of 17 that
power, they may impose sanctions including, where appropriate . . . dismissal” of a case. 18
Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may
19 dismiss an action based on a party’s failure to obey a court order or comply with local rules.
See 20 Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to
comply 21 with local rule requiring pro se plaintiffs to keep court apprised of address); Malone v.
U.S. 22 Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with
court 23 order). In determining whether to dismiss an action on one of these grounds, I must
consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to
manage its 1 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
disposition of 2 cases on their merits; and (5) the availability of less drastic alternatives. See In re
3 Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone, 4
833 F.2d at 130). 5 The first two factors, the public’s interest in expeditiously resolving this
litigation and the 6 court’s interest in managing its docket, weigh in favor of dismissal of Coney’s
claims. The third 7 factor, risk of prejudice to defendants, also weighs in favor of dismissal
because a presumption 8 of injury arises from the occurrence of unreasonable delay in filing a
pleading ordered by the 9 court or prosecuting an action. See Anderson v. Air West, 542 F.2d 522,
524 (9th Cir. 1976). The 10 fourth factor—the public policy favoring disposition of cases on their
merits—is greatly 11 outweighed by the factors favoring dismissal. 12 The fifth factor requires me
to consider whether less drastic alternatives can be used to 13 correct the party’s failure that
brought about the court’s need to consider dismissal. See Yourish 14 v. Cal. Amplifier, 191 F.3d
983, 992 (9th Cir. 1999) (explaining that considering less drastic 15 alternatives before the party
has disobeyed a court order does not satisfy this factor); accord 16 Pagtalunan v. Galaza, 291 F.3d
639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive 17 force of” earlier Ninth Circuit
cases that “implicitly accepted pursuit of less drastic alternatives 18 prior to disobedience of the
court’s order as satisfying this element[.]” i.e., like the “initial 19 granting of leave to amend
coupled with the warning of dismissal for failure to comply[.]” have 20 been “eroded” by
Yourish). Courts “need not exhaust every sanction short of dismissal before 21 finally dismissing a

case, but must explore possible and meaningful alternatives.” Henderson v. 22 Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed 23 without the ability for the court and the defendants to send Coney case-related documents, 1} filings, and orders, the only alternative is to enter a second order setting another deadline. But without an updated address, the likelihood that the second order would even reach Coney is low, issuing a second order will only delay the inevitable and further squander the court’s finite 4\resources. Setting another deadline is not a meaningful alternative given these circumstances. 5] So the fifth factor favors dismissal. IT. Conclusion 7 Having thoroughly considered these dismissal factors, I find that they weigh in favor of 8| dismissal. I THEREFORE ORDER that this action is dismissed without prejudice based on Coney’s failure to file an updated address in compliance with this court’s December 16, 2025, 10| order. The Clerk of Court is directed to enter judgment accordingly and close this case. If 11| Coney wishes to pursue his claims, he must file a complaint in a new case and provide the court 12| with his current address. 13 14 Dated: January 21, 2026 15 C- Chief United States District Judge 16 17 18 19 20 21 22 23