

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

OPINION

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