

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jacob Angelo Massey v. Anne Carpenter, et al.

Massey · No. 3:25-cv-00560-MMD-CSD · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Nevada dismisses Jacob Angelo Massey’s § 1983 action without prejudice after he failed to comply with an order requiring him to provide an updated address, and court mail was returned as undeliverable. The court applies the Ninth Circuit’s dismissal factors, rejects the Magistrate Judge’s Report and Recommendation as moot, and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Miranda M. Du
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 8, 2025
DOCKET	3:25-cv-00560-MMD-CSD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a civil-rights action under 42 U.S.C. § 1983. The district court dismissed the action without prejudice for failure to comply with an order requiring him to update his address after court mail was returned as undeliverable.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissal for failure to obey a court order or comply with local rules, including consideration of less drastic alternatives.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only and not binding precedent outside the case.
PARTIES	Jacob Angelo Massey v. Anne Carpenter, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should dismiss the action without prejudice because plaintiff failed to update his address as ordered and could not be reliably reached by the court.
2. Whether the Ninth Circuit's five dismissal factors, including the availability of less drastic alternatives, supported dismissal.

HOLDINGS

1. A district court may dismiss an action when a party fails to obey a court order or comply with local rules, after considering the applicable dismissal factors and meaningful alternatives to dismissal.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, the court's docket-management interests, the risk of prejudice to defendants, and the inadequacy of further lesser measures outweighed the policy favoring resolution on the merits.

KEY QUOTATIONS

"Courts "need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives."" (at 2)

"It is therefore ordered that this action is dismissed without prejudice based on Massey's failure to file an updated address in compliance with this Court's November 5, 2025 order." (at 3)

FACTUAL BACKGROUND

Massey filed a pro se civil-rights action under 42 U.S.C. § 1983. The court ordered him to update his address, but he failed to do so by the deadline. Court mail was returned as undeliverable, making it impracticable for the court and defendants to transmit case-related documents, filings, and orders.

PROCEDURAL HISTORY

The court ordered Massey to update his address by November 25, 2025. He did not provide an updated address, and court mail was returned as undeliverable. A magistrate judge recommended dismissal, but the district judge rejected the Report and Recommendation as moot after independently determining that dismissal was warranted.

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)

- *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

2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 JACOB ANGELO MASSEY, Case No. 3:25-cv-00560-MMD-CSD 7 Plaintiff, ORDER v. 8 ANNE CARPENTER, et al., 9 Defendants. 10 11 I. SUMMARY 12 Pro se Plaintiff Jacob Angelo Massey brings this civil-rights action under 42 U.S.C. 13 § 1983.

On November 4, 2025, this Court ordered Massey to update his address by 14 November 25, 2025. (ECF No. 5.) That deadline expired without an updated address from 15 Massey, and his mail from the Court is being returned as undeliverable. (ECF Nos. 6, 7.) 16 II. DISCUSSION 17 District courts have the inherent power to control their dockets and “[i]n the 18 exercise of that power, they may impose sanctions including, where appropriate...

19 dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 20 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court 21 order or comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 22 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to 23 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th 24 Cir.

1987) (dismissal for failure to comply with court order). In determining whether to 25 dismiss an action on one of these grounds, the Court must consider: (1) the public’s 26 interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; 27 (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of 28 cases on their merits; and (5) the availability of less drastic alternatives.

See *In re Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)). 3 The first two factors, the public’s interest in expeditiously resolving this litigation 4 and the Court’s interest in managing its docket, weigh in favor of dismissal of Massey’s 5 claims.

The third factor, risk of prejudice to defendants, also weighs in favor of dismissal 6 because a presumption of injury arises from the occurrence of unreasonable delay in filing 7 a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 8 F.2d 522, 524 (9th Cir. 1976).

The fourth factor—the public policy favoring disposition of 9 cases on their merits—is greatly outweighed by the factors favoring dismissal. 10 The fifth factor requires the Court to consider

whether less drastic alternatives can be used to correct the party's failure that brought about the Court's need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir.

1999) (explaining that considering less drastic alternatives before the party has disobeyed a court order does not satisfy this factor); accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that "the persuasive force of" earlier Ninth Circuit cases that "implicitly accepted pursuit of last drastic alternatives prior to disobedience of the court's order as satisfying this element[.]" i.e., like the "initial granting of leave to amend coupled with the warning of dismissal for failure to comply[.]" have been "eroded" by *Yourish*).

Courts "need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

Because this action cannot realistically proceed if the Court and Defendants cannot send Massey case-related documents, 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 Massey is low, so issuing a second order will only delay the inevitable and further squander the Court's finite resources.

Setting another deadline is not a meaningful alternative given these circumstances. So the fifth factor favors dismissal. **II. CONCLUSION** Having thoroughly considered these dismissal factors, the Court finds that they weigh in favor of dismissal. It is therefore ordered that this action is dismissed without prejudice based on Massey's failure to file an updated address in compliance with this Court's November 5, 2025 order.

It is further ordered that the Magistrate Judge's Report and Recommendation (ECF 7 No. 8), recommending dismissal for failure to update address, is rejected as moot. The Clerk of Court is directed to enter judgment accordingly and close this case. No other documents may be filed in this now-closed case. If Massey wishes to pursue his claims, he must file a complaint in a new case and provide the Court with his current address.

DATED THIS 8th Day of December 2025. **MIRANDAM.DU** ☐☐☐☐☐ **UNITED STATES DISTRICT JUDGE**