

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Akika Parker v. Sacramento, et al.

No. 2:24-cv-01195-EFB (PC) · No. No. 2:24-cv-01195-EFB (PC) · Decided April 28, 2025

SUMMARY

The court recommends dismissing Akika Parker’s action without prejudice because she failed to comply with an order requiring a completed in forma pauperis application and trust account statement or an amended complaint. The document also orders random assignment of a district judge and advises that objections to the findings and recommendations may be filed within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 28, 2025
DOCKET	No. 2:24-cv-01195-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A magistrate judge issued findings and recommendations recommending dismissal without prejudice after plaintiff failed to comply with an order requiring a completed in forma pauperis application and trust account statement or an amended complaint.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- service of process
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110 because plaintiff failed to comply with a court order.

2. Whether service of the court's order was effective when the order was served at plaintiff's address of record but returned.

KEY QUOTATIONS

“It is the plaintiff’s responsibility to keep the court apprised of a current address at all times.” (at 1)

“Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.” (at 1)

FACTUAL BACKGROUND

The court had ordered Akika Parker to submit a completed in forma pauperis application and trust account statement or an amended complaint clarifying that Parker was not then detained in connection with a criminal offense. Parker did not respond within the prescribed thirty-day period, and the court noted that service was effective at the address on record even though the order appeared to have been returned.

PROCEDURAL HISTORY

The court previously ordered plaintiff to file a completed in forma pauperis application and trust account statement or an amended complaint clarifying plaintiff's detention status. Plaintiff did not respond within the thirty-day period. The magistrate judge ordered random assignment of a district judge and recommended dismissal without prejudice, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
10 11 AKIKA PARKER, No. 2:24-cv-01195-EFB (PC) 12 Plaintiff, 13 v. ORDER
14 SACRAMENTO, et al., 15 Defendants. 16 17
18 By order filed February 11, 2025, the court ordered plaintiff to file a completed in forma
19 pauperis application and trust account statement or an amended complaint clarifying that plaintiff
20 is not currently detained as a result of being accused of, convicted of, or sentenced for a
21 criminal offense.

ECF No. 6. The thirty-day period provided by the court has now expired, and plaintiff 21 has not responded to the court’s order. 22 Although it appears from the file that plaintiff’s copy of the order was returned, plaintiff 23 was properly served. It is the plaintiff’s responsibility to keep the

court apprised of a current 24 address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of 25 the party is fully effective.

26 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a 27 district judge to this action. IT IS FURTHER RECOMMENDED that this action be dismissed 28 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).] These findings and recommendations are submitted to the United States District Judge 2 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 3 || after being served with these findings and recommendations, plaintiff may file written objections 4 || with the court. The document should be captioned “Objections to Magistrate Judge’s Findings 5 || and Recommendations.” Plaintiff is advised that failure to file objections within the specified 6 || time may waive the right to appeal the District Court’s order.

Martinez v. Yist, 951 F.2d 1153 7 | (th Cir. 1991). | Dated: April 28, 2025 9 EDMUND F. BRENNAN 10 UNITED STATES MAGISTRATE JUDGE 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28