

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

George M. Mattox v. Cortez, et al.

Mattox · No. 2:24-cv-02359-JAD-MDC · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Nevada dismissed George M. Mattox’s civil-rights action without prejudice after he failed to update his address and either pay the filing fee or submit an application to proceed in forma pauperis. Applying the Ninth Circuit’s dismissal-factor framework, the court directed the Clerk to enter judgment and close the case, while permitting Mattox to pursue his claims in a new action meeting those requirements.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Joie A. Dorsey
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 16, 2026
DOCKET	2:24-cv-02359-JAD-MDC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed Mattox's civil-rights action without prejudice after he failed to comply with an order requiring him to update his address and either pay the filing fee or submit an application to proceed in forma pauperis.
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PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	George M. Mattox v. Cortez, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights
- sanctions
- remedies

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Mattox's failure to obey the court's order to update his address and either pay the filing fee or seek in forma pauperis status.
2. Whether a second deadline or another lesser sanction would constitute a meaningful alternative to dismissal.

HOLDINGS

1. A district court may dismiss an action under its inherent docket-management authority when a party fails to obey a court order or comply with applicable local rules.
2. Dismissal was warranted because the public interest in expeditious resolution, the court's need to manage its docket, the presumption of prejudice from unreasonable delay, and the lack of a meaningful lesser alternative outweighed the policy favoring disposition on the merits.

KEY QUOTATIONS

“District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.” (1)

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

FACTUAL BACKGROUND

George Mattox brought a civil-rights action based on alleged constitutional violations suffered while incarcerated at Southern Desert Correctional Center. The court ordered him to update his address and either pay the \$405 filing fee or file an IFP application by January 9, 2026. Mattox did not respond, and mail from the court was returned as undeliverable.

PROCEDURAL HISTORY

Mattox filed a civil-rights lawsuit concerning alleged constitutional violations during his incarceration. The court ordered him to update his address and pay the filing fee or file an IFP application by January 9, 2026. He did not respond, and court mail was returned as undeliverable. The court weighed the Ninth Circuit's 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 L.A., 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 Serv., 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

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 George M. Mattox, Case No.: 2:24-cv-02359-JAD-MDC 4 Plaintiff Order Dismissing 5 v. and Closing Case 6 Cortez, et al., 7 Defendants 8 9 Plaintiff George Mattox brings this civil-rights lawsuit to redress constitutional violations 10 that he claims he suffered while incarcerated at Southern Desert Correctional Center.

On 11 December 10, 2025, this court ordered Mattox to update his address and either pay the \$405 12 filing fee or file an application to proceed in forma pauperis (IFP) for non-inmates by January 9, 13 2026.¹ That deadline expired without a response from Mattox, and his mail from this court is 14 being returned as undeliverable.² 15 District courts have the inherent power to control their dockets and “[i]n the exercise of 16 that power, they may impose sanctions including, where appropriate... dismissal” of a case.³ A 17 court may dismiss an action based on a party’s failure to obey a court order or comply with local 18 rules.⁴ In determining whether to dismiss an action on one of these grounds, the court must 19 20 1 ECF No. 11.

21 2 ECF Nos. 12, 13. 3 Thompson v. Hous. Auth. of City of L.A., 782 F.2d 829, 831 (9th Cir. 1986). 22 4 See Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to update their address); Malone v. U.S. Postal 23 Serv., 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to comply with court order).

1 consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to 2 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring 3 disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁵ 4 The first two factors, the public’s interest in expeditiously resolving this litigation and the 5 court’s interest in managing its docket, weigh in favor of dismissing Mattox’s claims.

The third 6 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption 7 of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the 8 court or prosecuting an action.⁶ 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 11 to correct the party’s failure that brought about the need to consider dismissal.⁷ Courts “need not 12 exhaust every sanction short of dismissal before finally dismissing a case, but must explore 13

possible and meaningful alternatives.”⁸ Because this action cannot realistically proceed without ¹⁴ the ability for the court and the defendants to send Mattox case-related filings, and this court ¹⁵ cannot operate without collecting reasonable fees, the only alternative is to enter a second order ¹⁶ setting another deadline.

But without an updated address, the likelihood that the second order ¹⁷ would even reach Mattox is low, so issuing a second order will only delay the inevitable and ^{18 19 20 5} See *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130). ^{21 6} See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

^{22 7} 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); ²³ accord *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002). ⁸ *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). further squander the court’s finite resources.

Setting another deadline is not a meaningful alternative given these circumstances. So the fifth factor favors dismissal. ³ Having thoroughly weighed these dismissal factors, I find that they weigh in favor of ⁴ dismissal. IT IS THEREFORE ORDERED that THIS ACTION IS DISMISSED without ⁵ prejudice based on Mattox’s failure to file an updated address and either pay the filing fee or seek to proceed IFP in compliance with the court’s order.

The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE. If Mattox wishes to pursue his ⁸ claims, he must file a complaint, provide the court with his current address, and either pay the ⁹ filing fee or file a complete IFP application in a new case. ¹⁰ Dated: January 16, 2026 US. Dy Judge Joie A. Dorsey ^{12 13 14 15 16 17 18 19 20 21 22 23}