

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

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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.<sup>1</sup> That deadline expired without a response from Mattox, and his mail from this court  
is 14 being returned as undeliverable.<sup>2</sup> 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.<sup>3</sup> A 17 court may dismiss an action based on a party’s failure to  
obey a court order or comply with local 18 rules.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> Courts “need not 12

exhaust every sanction short of dismissal before finally dismissing a case, but must explore 13 possible and meaningful alternatives.”<sup>8</sup> 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