

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Geovanni Pena v. United States, et al.

Pena · No. 1:21-cv-00833-JLT-SKO · Decided December 3, 2025

SUMMARY

The United States District Court for the Eastern District of California issues Findings and Recommendations recommending dismissal without prejudice of Geovanni Pena’s pro se civil rights action. The recommendation is based on his repeated failure to keep the Court informed of his current address, comply with local rules, and prosecute the action, with a 14-day period for objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 3, 2025
DOCKET	1:21-cv-00833-JLT-SKO
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a civil-rights action under 42 U.S.C. § 1983. The magistrate judge issued findings and recommendations recommending dismissal without prejudice for failure to obey the Local Rules and failure to prosecute because Plaintiff did not maintain a current address. The recommendation was submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.
STANDARD OF REVIEW	In deciding whether to dismiss for failure to prosecute or failure to comply with court orders or local rules, the court weighs the public interest in expeditious resolution, the court’s need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

sanctions

failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to obey the Eastern District of California Local Rules requiring a pro se litigant to maintain and report a current address.
2. Whether dismissal without prejudice was warranted under the factors governing dismissal for failure to prosecute and the availability of less drastic sanctions.

HOLDINGS

1. The magistrate judge recommended dismissal without prejudice because Plaintiff repeatedly failed to keep the Court apprised of his current address, failed to comply with Local Rule 183(b), and failed to prosecute the action.

KEY QUOTATIONS

"District courts have inherent power to control their dockets" (at 2)

"A court may dismiss an action based on a party's failure to prosecute an action, obey a court order, or comply with local rules." (at 2)

"this action be dismissed, without prejudice, based on Plaintiff's failure to obey the Local Rules and to prosecute this action." (at 6)

FACTUAL BACKGROUND

Plaintiff was proceeding pro se and in forma pauperis in a § 1983 civil-rights action. Mail sent to his address of record was returned as undeliverable on October 24, 2025, without a forwarding address. Despite repeated prior notices and orders informing him of his continuing obligation to maintain a current address, Plaintiff did not file a notice of change of address or otherwise communicate with the Court for more than 30 days. No defendant had appeared, and Plaintiff's first amended complaint had not yet been screened.

PROCEDURAL HISTORY

The action had previously been recommended for dismissal after Plaintiff failed to keep the Court apprised of his address, but that recommendation was withdrawn after Plaintiff responded to a district judge's order. The case was reassigned to Magistrate Judge Sheila K. Oberto, and the reassignment order mailed to Plaintiff was returned as undeliverable. Plaintiff again failed to file a notice of change of address or otherwise communicate with the Court. The magistrate judge recommended dismissal without prejudice and directed service of the findings and recommendations at two addresses.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Housing Auth., City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130-31 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1226, 1228 (9th Cir. 2006)
- Anderson v. Air W., 542 F.2d 522, 524 (9th Cir. 1976)
- Pagtalunan v. Galaza, 291 F.3d 639, 643 (9th Cir. 2002)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)