

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bryan E. Ransom v. Herr, et al.

Ransom v. Herr · No. 2:20-CV-1209-DJC-DMC-P · Decided June 6, 2025

SUMMARY

The document contains findings and recommendations in a pro se civil rights action under 42 U.S.C. § 1983. The magistrate judge recommends dismissal without prejudice for lack of prosecution and failure to comply with the Eastern District of California's change-of-address requirement after mail was returned as undeliverable.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 6, 2025
DOCKET	2:20-CV-1209-DJC-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice of a pro se prisoner civil-rights action for lack of prosecution and failure to comply with court rules and orders.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor test governing dismissal as a sanction, weighing the public interest in expeditious resolution, the court's need to manage its docket, prejudice to opposing parties, the policy favoring decisions on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Bryan E. Ransom v. Herr, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether dismissal without prejudice for lack of prosecution and failure to comply with court rules and orders was appropriate after a pro se plaintiff failed to file a required notice of change of address.
2. Whether the five-factor dismissal framework and consideration of less drastic sanctions supported dismissal.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to file a required notice of change of address after mail was returned as undeliverable and more than 30 days had elapsed.
2. A warning that the action may be dismissed is a less drastic alternative sufficient to satisfy the final factor of the dismissal analysis.

KEY QUOTATIONS

“The Court must weigh five factors before imposing the harsh sanction of dismissal.” (at 1)

“Based on the foregoing, the undersigned recommends that this action be dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and orders.” (at 2)

FACTUAL BACKGROUND

Plaintiff proceeded pro se in a § 1983 civil-rights action. Mail directed to him was returned by the Postal Service as undeliverable on March 17 and April 17, 2025. More than 30 days elapsed after the second returned mailing, but Plaintiff did not notify the court of a change of address as required by Local Rule 183(b).

PROCEDURAL HISTORY

Plaintiff brought this action under 42 U.S.C. § 1983. Mail sent to Plaintiff was returned as undeliverable on March 17 and April 17, 2025. After Plaintiff failed to file a change-of-address notice within the 30 days required by Eastern District of California Local Rule 183(b), the magistrate judge recommended dismissal without prejudice, subject to objections within 14 days.

DISPOSITION

other

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)
- *Malone v. U.S. Postal Service*, 833 F.2d 128, 130, 132-33 & n.1 (9th Cir. 1987)
- *Ghazali v. Moran*, 46 F.3d 52, 53 (th Cir. 1995) (per curiam)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)

- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (per curiam)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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