

**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

OPINION

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN
DISTRICT OF CALIFORNIA 10 11 BRYAN E. RANSOM, No. 2:20-CV-1209-DJC-DMC-P 12
Plaintiff, 13 v. FINDINGS AND RECOMMENDATIONS 14 HERR, et al., 15 Defendants. 16 17
Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42 18 U.S.C. § 1983.
19 On March 17, 2025, and again on April 17, 2025, mail directed to Plaintiff was 20 returned by
the United States Postal Service as undeliverable.

Pursuant to Eastern District of 21 California Local Rule 183(b), any party appearing pro se must
file and serve a notice of change of 22 address within 30 days of mail being returned. To date,
more than 30 days have elapsed since 23 mail was last returned and Plaintiff has not notified the
Court of a change of address. 24 The Court must weigh five factors before imposing the harsh
sanction of dismissal.

25 See *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000); *Malone v. U.S. Postal*
26 *Service*, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's interest in 27
expeditious resolution of litigation; (2) the Court's need to manage its own docket; (3) the risk of
28 prejudice to opposing parties; (4) the public policy favoring disposition of cases on their
merits; 1 | and (5) the availability of less drastic sanctions.

See *id.*; see also *Ghazali v. Moran*, 46 F.3d 52, 2 | 53 (th Cir. 1995) (per curiam). A warning that
the action may be dismissed as an appropriate 3 || sanction is considered a less drastic alternative
sufficient to satisfy the last factor. See *Malone*, 4 | 833 F.2d at 132-33 & n.1.

The sanction of dismissal for lack of prosecution is appropriate where 5 || there has been
unreasonable delay. See *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 6 || 1986). Dismissal
has also been held to be an appropriate sanction for failure to inform the district 7 || court and
parties of a change of address pursuant to local rules. See *Carey v. King*, 856 F.2d 8 | 1439, 1440-
41 (9th Cir.

1988) (per curiam). 9 Having considered these factors, and in light of Plaintiff's failure to submit a
10 || notice of change of address, the Court finds that dismissal of this action is appropriate. 11
Based on the foregoing, the undersigned recommends that this action be dismissed, 12 || without
prejudice, for lack of prosecution and failure to comply with court rules and orders.

13 These findings and recommendations are submitted to the United States District 14 || Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(I). Within 14 days 15 || after being served with these findings and recommendations, any party may file written 16 || objections with the court. Responses to objections shall be filed within 14 days after service of 17 || objections.

Failure to file objections within the specified time may waive the right to appeal. See 18 | Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991). 19 20 | Dated: June 5, 2025 Co 21 DENNIS M. COTA 02 UNITED STATES MAGISTRATE JUDGE 23 24 25 26 27 28