

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

Toby Masse v. Clark County, et al.

Masse · No. 3:25-cv-05839-TMC · Decided December 12, 2025

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA 7 TOBY MASSE, Case No. 3:25-cv-05839-TMC 8 Plaintiff, ORDER
DISMISSING COMPLAINT 9 WITHOUT PREJUDICE FOR FAILURE TO v. PROSECUTE 10
CLARK COUNTY, et al., 11 Defendants. 12 13 14 On September 18, 2025, pro se plaintiff Toby
Masse filed an application to proceed in 15 forma pauperis (“IFP”) and attached a copy of his
proposed complaint.

Dkts. 1, 1-1. On 16 September 23, 2025, Magistrate Judge Theresa L. Fricke granted Mr. Masse’s
application to 17 proceed IFP but recommended review of the complaint because “it does not
appear Plaintiff has 18 met the criteria for IFP required under 28 U.S.C. § 1915(e)(2)(b).” Dkt. 3
at 1.

On November 3, 19 2025, Judge Fricke’s order—which had been mailed to Mr. Masse’s address
in Vancouver, 20 Washington—was returned to the Court as undeliverable. Dkt. 5. 21 On
November 5, 2025, the Court reviewed Mr. Masse’s complaint under § 1915 and 22 found that it
did not state a plausible claim for relief. Dkt. 6.

The Court outlined the deficiencies 23 24 1 in Mr. Masse’s claims and granted him 21 days to
amend the complaint or face dismissal. 2 Dkt. 6 at 4.1 3 The deadline has passed, and Mr. Masse
did not amend his complaint.

Therefore, the 4 Court dismisses this case without prejudice for failure to prosecute. See Fed. R.
Civ. P. 41(b) 5 (allowing for involuntary dismissal for failure to prosecute or failure to comply
with the federal 6 rules or court orders); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d
683, 689 (9th 7 Cir. 2005) (courts may dismiss cases sua sponte pursuant to Rule 41(b) for failure
to prosecute); 8 *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir.

1992) (“The district judge has an obligation to 9 warn the plaintiff that dismissal is imminent.”).
10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and 11 to
any party appearing pro se at said party’s last known address. 12 13 Dated this 12th day of
December, 2025. 14 a 15 Tiffany M. Cartwright 16 United States District Judge 17 18 19 20 21 22
23 1 This order was also returned as undeliverable on December 9, 2025.

Dkt. 7. Under Local Rule 41(b)(2), Mr. Masse “bears the burden of keeping the court apprised of any changes in his 24 mailing address.” *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988).

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