

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Grigsby v. Hixon

Grigsby · No. 2:24-cv-2488-JDP (P) · Decided July 29, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing Melvin John Grigsby's habeas action without prejudice. The recommendation is based on failure to state a claim, failure to prosecute, and failure to comply with an order directing the filing of an amended petition after the court's mail was returned as undeliverable.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 29, 2025
DOCKET	2:24-cv-2488-JDP (P)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The magistrate judge recommended dismissal of a federal habeas action after petitioner failed to file an amended petition, update his address, or comply with a prior court order.
STANDARD OF REVIEW	Dismissal for failure to prosecute, failure to obey a court order, or failure to comply with local rules is evaluated under the applicable dismissal factors, including the public interest in expeditious resolution, the court’s need to manage its docket, prejudice, the policy favoring decisions on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	unpublished
PARTIES	Melvin John Grigsby v. Kevin Hixon

TOPICS

- federal habeas corpus
- sanctions
- civil procedure

PRACTICE AREAS

federal habeas corpus

civil procedure

sanctions

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to state a claim, failure to prosecute, and failure to comply with a court order.
2. Whether the dismissal factors support dismissal after petitioner failed to comply with the order to file an amended petition and failed to keep the court apprised of his address.

HOLDINGS

1. A court may dismiss an action when a party fails to prosecute, obey a court order, or comply with applicable local rules, including as a sanction under the court's inherent docket-management authority.
2. The balance of the dismissal factors favored dismissal because petitioner failed to respond to the order, implicating the public interest in expeditious resolution, the court's need to manage its docket, and the risk of prejudice; the prior warning satisfied the requirement to consider less drastic alternatives.

KEY QUOTATIONS

"A court may dismiss an action based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules." (1)

"Accordingly, I find that the balance of factors weighs in favor of dismissal." (2)

FACTUAL BACKGROUND

The court determined that petitioner's first amended habeas petition failed to state a claim and ordered him to file a further amended petition within thirty days. The order was returned as undeliverable because petitioner was apparently on parole, and petitioner neither updated his address nor filed the required amended petition. The deadline passed despite an express warning that noncompliance could result in dismissal.

PROCEDURAL HISTORY

The court screened petitioner's first amended petition on June 10, 2025, found that it failed to state a claim, and granted thirty days to file another amended petition. The order was returned as undeliverable, petitioner did not update his address or file an amended petition, and the deadline passed. The magistrate judge recommended dismissal without prejudice and closure of the case, subject to objections and review by a district judge.

DISPOSITION

dismissed

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)

- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Malone v. U.S. Postal Service, 833 F.2d 128, 130, 132-33 (9th Cir. 1987)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(HC) Grigsby v. Hixon

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MELVIN JOHN GRIGSBY, Case No. 2:24-cv-2488-JDP (P) 12 Petitioner,

13 v. ORDER; FINDINGS AND

RECOMMENDATIONS

14 KEVIN HIXON,

15 Respondent. 16

17 On June 10, 2025, the court screened the first amended petition and found that it failed to 18
state a claim. The court granted petitioner thirty days to file an amended petition. ECF No. 10. 19
Petitioner did not do so. On June 30, 2025, the court received notice that the order was returned 20
to the court as “undeliverable, parole.” Petitioner has not updated his address or filed an amended
21 petitioner as ordered, and the time to do so has passed. Accordingly, dismissal of the action is
22 warranted. 23 The court has the inherent power to control its docket and may, in the exercise of
that 24 power, impose sanctions where appropriate, including dismissal. *Bautista v. Los Angeles*
Cnty., 25 216 F.3d 837, 841 (9th Cir. 2000); see Local Rule 110 (“Failure of counsel or of a party
to 26 comply with these Rules or with any order of the Court may be grounds for imposition by
the 27 Court of any and all sanctions . . . within the inherent power of the Court.”). 28 A court may
dismiss an action based on a party’s failure to prosecute an action, failure to 1 obey a court order,
or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 2 (9th Cir. 1995)
(dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 3 1260-61 (9th
Cir. 1992) (dismissal for failure to comply with an order to file an amended 4 complaint); *Carey v.*
King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to 5 comply with local rule
requiring pro se plaintiffs to keep court apprised of address); *Malone v.* 6 *U.S. Postal Serv.*, 833
F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court 7 order); *Henderson v.*
Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of 8 prosecution and failure to
comply with local rules). 9 In recommending that this action be dismissed for failure to comply

with court orders, I have considered “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.” *Ferdik*, 963 F.2d at 1260-61 (citation omitted). Here, petitioner has failed to respond to a court order directing him to file an amended petition. See ECF No. 10. Therefore, the public interest in expeditious resolution of litigation, the court’s need to manage its docket, and the risk of prejudice to the respondent all support imposition of the sanction of dismissal. Lastly, my warning to petitioner that failure to obey court orders will result in dismissal satisfies the “considerations of the alternatives” requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 at 132-33; *Henderson*, 779 F.2d at 1424. Specifically, the June 10 order expressly warned petitioner that his failure to comply with the order may result in

dismissal. ECF No. 10. Petitioner had adequate warning that dismissal could result from his noncompliance. Accordingly, I find that the balance of factors weighs in favor of dismissal. Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district judge to this matter. Further, it is hereby RECOMMENDED that: 1. This action be DISMISSED without prejudice for failure to state a claim, failure to prosecute, and failure to comply with court orders for the reasons set forth in the June 10, 2025 order. 2. The Clerk of Court be directed to close the case. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 10 1991). IT IS SO ORDERED. 13 (1 ow — Dated: _ July 29, 2025 q——

14 JEREMY D. PETERSON

15 UNITED STATES MAGISTRATE JUDGE

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