

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ali v. Bridgecrest Credit Company LLC

Ali · No. 1:24-cv-01364-JLT-EPG · Decided April 23, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing Hussein Ali’s civil rights action against Bridgecrest Credit Company, LLC without prejudice. The recommendation is based on Ali’s failure to comply with a court order and Eastern District of California Local Rule 183(b) by failing to maintain a current address, as well as his failure to oppose the pending motion to dismiss. The recommendation applies the factors governing dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Erica P. Grosjean
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 23, 2025
DOCKET	1:24-cv-01364-JLT-EPG
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending sua sponte dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order and Local Rule 183(b).
STANDARD OF REVIEW	In considering dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order, the court weighs the five Pagtalunan factors: the public interest in expeditious resolution, the court’s need to manage its docket, the risk of prejudice to defendants, the availability of less drastic alternatives, and the public policy favoring disposition on the merits.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- sanctions
- motions to dismiss
- civil rights

PRACTICE AREAS

civil procedure

civil rights

federal civil litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with a court order and Local Rule 183(b) by failing to maintain a current address and failed to prosecute the action.
2. Whether Defendant's pending motion to dismiss should be denied as moot following the recommended dismissal.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to maintain a current address, failed to comply with the court's informational order and Local Rule 183(b), and failed to prosecute the action.
2. Defendant's pending motion to dismiss should be denied as moot because the action should be dismissed without prejudice on independent procedural grounds.

KEY QUOTATIONS

"Under Federal Rule of Civil Procedure 41(b), a court may dismiss an action for failure to comply with court orders and to prosecute."

"After weighing the factors, the Court finds that dismissal without prejudice is appropriate."

FACTUAL BACKGROUND

Plaintiff Hussein Ali proceeded pro se in an action against Bridgecrest Credit Company, LLC. After removal from state court, Plaintiff did not oppose Defendant's motion to dismiss and did not otherwise appear. Court mail sent to Plaintiff was repeatedly returned as undeliverable, and Plaintiff failed to notify the court or Defendant of a current address as required by a court order and Local Rule 183(b).

PROCEDURAL HISTORY

Plaintiff filed a civil rights action against Bridgecrest Credit Company, LLC, which was removed from state court. Defendant filed a motion to dismiss for failure to state a claim, but Plaintiff did not oppose it or otherwise appear after removal. Court mail was returned as undeliverable, and Plaintiff failed to file a change-of-address notice for more than sixty days. The magistrate judge recommended dismissal without prejudice, denial of the pending motion to dismiss as moot, and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir. 2002)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Yourish v. California Amplifier, 191 F.3d 983, 990-91 (9th Cir. 1999)
- Link v. Wabash R. Co., 370 U.S. 626, 630-31 (1962)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

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