

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lakshmi Singh-Sandhu v. Kapur C. Sandhu, et al.

Sandhu v. Sandhu · No. 1:24-cv-1236 JLT BAM · Decided March 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s Findings and Recommendations and dismissed the action without prejudice. The dismissal was based on the plaintiff’s failure to prosecute and failure to comply with the requirement to keep the Court informed of a current mailing address. The Clerk of Court was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 31, 2025
DOCKET	1:24-cv-1236 JLT BAM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations recommending dismissal without prejudice for failure to prosecute and failure to comply with Local Rule 183(b).
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Lakshmi Singh-Sandhu v. Kapur C. Sandhu, et al.

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with Local Rule 183(b).
2. Whether the magistrate judge's findings and recommendations should be adopted after de novo review.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to prosecute the action and failed to keep the Court informed of a proper mailing address as required by Local Rule 183(b).
2. The findings and recommendations dated March 7, 2025, were adopted in full following de novo review under 28 U.S.C. § 636(b)(1).

KEY QUOTATIONS

“Plaintiff did not file objections or take any other action to prosecute this case.” (at 2)

FACTUAL BACKGROUND

Plaintiff initiated the action on October 11, 2024, but her in forma pauperis application lacked sufficient information to determine indigency. Court mail was repeatedly returned as undeliverable after Plaintiff failed to maintain a current mailing address, and Plaintiff did not file objections or take other action to prosecute the case.

PROCEDURAL HISTORY

Plaintiff filed a complaint and an application to proceed in forma pauperis. After Plaintiff failed to provide a sufficient application and repeatedly failed to maintain a valid mailing address, the magistrate judge recommended dismissal without prejudice. Plaintiff did not object, and the district court conducted de novo review, adopted the findings and recommendations, dismissed the action without prejudice, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 LAKSHMI SINGH-SANDHU,) Case No.: 1:24-cv-1236 JLT BAM) 12
Plaintiff,) ORDER ADOPTING FINDINGS AND) RECOMMENDATIONS, DISMISSING THE
13 v.) ACTION WITHOUT PREJUDICE, AND) DIRECTING THE CLERK OF COURT TO
CLOSE 14 KAPUR C. SANDHU, et al.,) THE CASE) 15 Defendants.) (Doc.

11)) 16) 17 Lakshmi Singh Sandhu initiated this action by filing a complaint and application to proceed in 18 forma pauperis on October 11, 2024. (Docs. 1, 2.) However, Plaintiff's application did not contain 19 sufficient information for the Court to determine whether she satisfied the indigency requirements. 20 Therefore, the Court ordered Plaintiff to file a completed application on November 7, 2024.

(Doc. 6.) 21 The U.S. Postal Service returned the Court's mail marked: "Undeliverable, Does not live here, RTS, 22 Refused, Unable to Forward" on December 12, 2024. Although the Court attempted re-service at a 23 different address, the Postal Service again returned the mail as undeliverable on December 20, 2024, 24 and December 30, 2024. 25 The magistrate judge found Plaintiff failed to prosecute the action and failed to comply with 26 Local Rule 183(b), which requires a party proceeding in propria persona to keep the Court informed of 27 a proper mailing address.

(Doc. 11 at 1-2.) The magistrate judge determined dismissal of the action is 28 appropriate, after considering the factors identified by the Ninth Circuit prior to imposing terminating 1 || sanctions for failure to prosecute. (d., citing *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988).) 2 || Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (/d. at □ 3 The Court served the Findings and Recommendations Plaintiff at the address on record.

4 || However, the U.S. Postal Service again returned the Court's mail as undeliverable on March 21, 2024. 5 || Despite this, the service upon Plaintiff is deemed fully effective pursuant to Local Rule 182(f). 6 || Plaintiff did not file objections or take any other action to prosecute this case. 7 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.

8 || Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are 9 || supported by the record and proper analysis. Thus, the Court ORDERS: 10 1. The Findings and Recommendations dated March 7, 2025 (Doc. 11) are ADOPTED i 11 full. 12 2.

The action is DISMISSED without prejudice, due to Plaintiff's failure to prosecute. 13 3. The Clerk of Court is directed to close this case. 14 15 IS SO ORDERED. 16 || Dated: _ March 30, 2025 (LAW pA L. wan 17 TED STATES DISTRICT JUDGE 18 19 20 21 22 23 24 25 26 27 28