

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Juan Jimenez v. B. Cates, et al.

Jimenez v. Cates · No. 1:23-cv-01376-CDB · Decided December 16, 2025

SUMMARY

This is an order from the United States District Court for the Eastern District of California in Juan Jimenez v. B. Cates, et al., Case No. 1:23-cv-01376-CDB. The court directs the Clerk to update the pro se plaintiff's address and orders him to show cause within 21 days why the action should not be dismissed for failure to obey court orders and failure to prosecute. The order also permits the plaintiff to file a first amended complaint, a notice of voluntary dismissal, or notice electing to stand on his original complaint.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JUAN JIMENEZ, Case No.: 1:23-cv-01376-CDB 12 Plaintiff, ORDER
DIRECTING CLERK OF THE COURT TO UPDATE PLAINTIFF'S 13 v. ADDRESS OF
RECORD 14 B. CATES, et al., ORDER DIRECTING PLAINTIFF TO SHOW CAUSE IN
WRITING WHY THIS 15 Defendants. ACTION SHOULD NOT BE DISMISSED FOR HIS
FAILURE TO OBEY COURT 16 ORDERS AND FAILURE TO PROSECUTE 17 21-DAY
DEADLINE 18 19 Plaintiff Juan Jimenez is appearing pro se and in forma pauperis in this civil
rights action 20 pursuant to 42 U.S.C. section 1983.

21 I. INTRODUCTION 22 On October 6, 2025, this matter was reassigned from Magistrate Judge
Gary S. Austin to 23 the undersigned. (Doc. 9.) That same date, the reassignment order was served
to Plaintiff at his 24 address on record with the Court. 25 On October 23, 2025, the United States
Postal Service returned the reassignment order 26 marked "Undeliverable," "Refused," and
"Unable to Forward." That same date, the Clerk of the 27 Court updated Plaintiff's address and re-
served the reassignment order, noting "per Returned Mail 1 On November 20, 2025, the Court
issued its First Screening Order.

(Doc. 11.) 2 Specifically, the undersigned found Plaintiff's complaint failed to state a cognizable
claim against 3 any named Defendant; Plaintiff was granted leave to file a first amended
complaint, curing the 4 deficiencies identified therein, or a notice of voluntary dismissal, within
21 days. (Id. at 10-11.) 5 The screening order was served to Plaintiff at his new address on record
with the Court.

More 6 than 30 days have now passed, and Plaintiff has failed to respond to the Court's First Screening 7 Order in any way. 8 II. DISCUSSION 9 The Local Rules,¹ corresponding with Federal Rule of Civil Procedure 11, provide, 10 "[f]ailure of counsel or of a party to comply with... any order of the Court may be grounds for 11 the imposition by the Court of any and all sanctions... within the inherent power of the Court." 12 Local Rule 110. "District courts have inherent power to control their dockets" and, in exercising 13 that power, may impose sanctions, including dismissal of an action.

Thompson v. Housing Auth., 14 City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a 15 party's failure to prosecute an action, obey a court order, or comply with local rules. See, e.g., 16 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a 17 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.

18 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 19 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules). 20 Here, Plaintiff has failed to obey the Court's November 20, 2025, screening order 21 requiring him to file a first amended complaint or a notice of voluntary dismissal.

Nor has 22 Plaintiff sought an extension of time within which to do so. Moreover, the undersigned notes that 23 a search of the California Department of Corrections and Rehabilitation (CDCR)'s inmate locator 24 tool reveals that Plaintiff is now incarcerated at the Substance Abuse Treatment Facility in 25 1 In this Court's September 20, 2023, order, Plaintiff was advised "the parties must comply with this 26 Order, the Federal Rules of Civil Procedure ("Fed.

R. Civ. P."), and the Local Rules of the United States District Court, Eastern District of California ("Local Rules") Failure to so comply with be grounds for 27 imposition of sanctions which may include dismissal of the case." (See Doc. 4 at 1 [First Informational Order in Prisoner/Civil Detainee Civil Rights Case].)

The same order states "all Court deadlines are strictly enforced. Requests for extensions of time must be filed before the deadline expires and must state 1 Corcoran, California. (See <https://ciris.mt.cdcr.ca.gov/results?cdcrNumber=AX0702>, as of 2 12/16/2025.) 3 Despite at least two transfers since filing suit, Plaintiff has failed to update his address 4 with the Court.

It is his obligation to do so. See Local Rules 182(f) ("Each appearing attorney and 5 pro se party is under a continuing duty to notify the Clerk and all other parties of any change of 6 address Absent such notice, service of documents at the prior address ... shall be fully 7 effective") & 183(b)2 ("A party appearing in pro propria persona shall keep the Court and 8 opposing parties advised as to his or her current address.

If mail directed to a plaintiff in pro 9 propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to 10 notify the Court and opposing parties within thirty (30) days thereafter of a current address, the 11 Court may dismiss the action without prejudice for failure to prosecute"); see also Doc. 4 at 1, 5 12 [First Informational Order].)3 13 Although the Court elected to consult the CDCR's inmate locator tool on this occasion 14 and will direct the Clerk of the Court to update Plaintiff's address, the Court is not obligated to do 15 so.

It is Plaintiff's responsibility to keep the Court apprised of his current address throughout the 16 course of the litigation. Plaintiff is warned that in the event he fails to keep the Court 17 apprised of any change in address moving forward, the undersigned will recommend this 18 action be dismissed for a failure to obey court orders and this Court's Local Rules, and for 19 a failure to prosecute.

Further, Plaintiff is encouraged to use the Notice of Change of Address 20 form previously provided by the Court for this purpose. 21 III. CONCLUSION AND ORDERS 22 Accordingly, the Court ORDERS as follows: 23 1. The Clerk of the Court is DIRECTED to update Plaintiff's address to reflect he is 24 now housed at the Substance Abuse Treatment Facility in Corcoran, California; and 25 2.

Plaintiff SHALL show cause in writing, within 21 days of the date of service of this 26 27 2 Amended January 1, 2025, to reflect a 30-day deadline. 3 A Notice of Change of Address form was included for Plaintiff's use. (See Doc. 4 at 7.) 1 order, why this action should not be dismissed for his failure to comply with the 2 Court's order of November 20, 2025.

Alternatively, within that same time, Plaintiff 3 may file a first amended complaint or a notice of voluntary dismissal. Plaintiff may 4 also file notice that he elects to stand on his complaint filed September 20, 2023, the 5 practical effect of which will result in the undersigned recommending this action be 6 dismissed for Plaintiff's failure to state a claim upon which relief can be granted.

7 Failure to comply with this Order to Show Cause (OSC) will result in a 8 | recommendation that this action be dismissed without prejudice for Plaintiff's failure to 9 | obey court orders and failure to prosecute. Further, should Plaintiff fail to comply with the 10 | Local Rules concerning his continuing obligation to keep the Court apprised of his current 11 | address, the undersigned will recommend this action be dismissed on that basis.

12 | SOORDERED. 13 Dated: _ December 16, 2025 | ww Vv ED 14 UNITED STATES MAGISTRATE JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28