

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael Joseph Sanz v. Solano County Sheriff Office, et al.

Sanz v. Solano County Sheriff Office · No. 2:24-cv-00630 SCR P · Decided November 5, 2025

SUMMARY

The court recommends dismissal without prejudice of Michael Joseph Sanz’s 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with a court order. The recommendation follows plaintiff’s failure to return service documents or respond to an order to show cause, and the matter is submitted to an assigned district judge under 28 U.S.C. § 636(b)(1).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 5, 2025
DOCKET	2:24-cv-00630 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner civil-rights plaintiff failed to return documents necessary to serve the defendants and failed to comply with an order to show cause. The magistrate judge issued findings and recommendations recommending dismissal without prejudice for failure to prosecute and failure to comply with a court order.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- civil procedure
- section 1983
- prisoners rights
- sanctions

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with a court order under Federal Rule of Civil Procedure 41(b) and Local Rule 110.

2. Whether the five factors governing dismissal for failure to prosecute supported dismissal despite the public policy favoring adjudication on the merits.

HOLDINGS

1. The magistrate judge recommended dismissal without prejudice because plaintiff failed to return the documents necessary for service and failed to respond to the order to show cause.

KEY QUOTATIONS

“Accordingly, the undersigned recommends that the action be dismissed for failure to prosecute and failure to comply with a court order.” (at 1)

“The undersigned has also considered less drastic alternatives and concludes that dismissal without prejudice is appropriate.” (at 2)

FACTUAL BACKGROUND

Plaintiff, formerly incarcerated in county jail, brought a pro se and in forma pauperis civil-rights action alleging First Amendment mail-access violations. Although the complaint was screened as stating cognizable claims, plaintiff failed to return the documents required to effect service on the defendants and did not respond to the subsequent order to show cause. No defendants had appeared, and the service documents had not been returned by the Postal Service.

PROCEDURAL HISTORY

The court screened the complaint and found cognizable First Amendment mail-access claims under 42 U.S.C. § 1983 against the Solano County Sheriff's Office and Lieutenant Hagen in his official capacity. After plaintiff elected to proceed, the court ordered him to complete service documents; when he did not do so, the court issued an order to show cause. Plaintiff did not respond, and the magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 110, subject to review by an assigned district judge.

DISPOSITION

other

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 643 (9th Cir. 2002)
- *Leon v. IDX Systems Corp.*, 464 F.3d 951, 961 (9th Cir. 2006)
- *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)

