

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hilson v. Lynch

Hilson · No. 1:23-cv-01757 JLT GSA (PC) · Decided May 1, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations recommending dismissal of Rasheed Hilson’s § 1983 action. The action was dismissed without prejudice for failure to prosecute and failure to keep the Court apprised of Plaintiff’s current address, and the Clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 1, 2025
DOCKET	1:23-cv-01757 JLT GSA (PC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations de novo and adopted the recommendation to dismiss the action without prejudice.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Rasheed Hilson, Sr. v. Jeff Lynch, et al.

TOPICS

- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice for failure to prosecute and failure to keep the Court apprised of Plaintiff's current address.

2. Whether the magistrate judge's findings and recommendations should be adopted after de novo review.

HOLDINGS

1. Dismissal without prejudice was warranted because Plaintiff failed to prosecute the action and failed to keep the Court apprised of his current address.
2. The findings and recommendations were supported by the record and proper analysis and were adopted in full after de novo review.

KEY QUOTATIONS

“This matter is DISMISSED without prejudice for Plaintiffs failure to prosecute and for his failure to keep the Court apprised of his current address.” (at 2)

FACTUAL BACKGROUND

Plaintiff was a former state prisoner proceeding pro se in a § 1983 action. The Court's screening order and an order to show cause regarding failure to prosecute were returned to sender after being served at Plaintiff's address of record. Plaintiff did not file a change-of-address notice, respond to the findings and recommendations, or otherwise communicate with the Court.

PROCEDURAL HISTORY

Plaintiff, a former state prisoner proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983. After the screening order and an order to show cause concerning failure to prosecute were returned as undeliverable, the magistrate judge recommended dismissal for failure to prosecute and failure to keep the Court apprised of Plaintiff's current address. Plaintiff did not object or otherwise communicate with the Court, and the district court adopted the findings and recommendations in full and closed the case.

DISPOSITION

dismissed

CASES CITED

- Malone v. United States Postal Service, 833 F.2d 128, 130 (9th Cir. 1987)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RASHEED HILSON, SR., Case No. 1:23-cv-01757 JLT GSA (PC) 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS 13 v. (Doc. 11) 14
JEFF LYNCH, et al., 15 Defendants. 16 17 Plaintiff, a former state prisoner proceeding pro se, has
filed this civil rights action 18 seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1) (B) and Local Rule 302. 20 On April 3, 2025, after the Court's screening order (Doc. 8) and an order to show cause re 21 failure to prosecute (Doc. 9) were returned to sender after service upon Plaintiff at his address of 22 record, the magistrate judge issued Findings and Recommendations to dismiss the action for 23 failure to prosecute and failure to keep the Court apprised of his current address.1 (Doc.

11.) After 24 evaluating the factors articulated in *Malone v. United States Postal Service*, 833 F.2d 128, 130 25 (9th Cir. 1987), the Findings and Recommendations recommended dismissal without prejudice. 26 The Findings and Recommendations were served on Plaintiff and notified him that any objections 27 1 The Court's screening order was returned to sender on October 17, 2024.

Pursuant to Local Rule 183(b), Plaintiff had 63 days to file a notice of change of address. Far longer has passed without Plaintiff filing any document with the 28 Court. 1 | were due in 14 days. (Doc. 11 at 5 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2 | 2014).) Plaintiff failed to file any objections or otherwise communicate with the Court.

3 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 4 | case. Having carefully reviewed the matter, the Court concludes the Findings and 5 || Recommendations are supported by the record and proper analysis.

Thus, the Court ORDERS 6 1. The Findings and Recommendations issued April 3, 2025 (Doc. 11), are 7 ADOPTED IN FULL. 8 2. This matter is DISMISSED without prejudice for Plaintiffs failure to prosecute 9 and for his failure to keep the Court apprised of his current address. See Fed. R. 10 Civ. P. 41(b); Local Rules 110 and 183(b). 11 3.

The Clerk of Court is directed to CLOSE THIS CASE. 12 B IT IS SO ORDERED. 14] Dated: _May 1, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28