

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

El-Shaddai v. Salinas Valley State Prison

El-Shaddai · No. 24-cv-02901-NW · Decided May 6, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Adonai El-Shaddai’s civil rights action without prejudice after court correspondence was returned as undeliverable and he failed to provide a current address or contact the Court. The dismissal was entered under Northern District Civil Local Rule 3-11, with leave to move to reopen upon providing a current address.

CASE DETAILS

|                       |                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                             |
| WRITING FOR THE COURT | Noël Wise                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                             |
| DECIDED               | May 6, 2025                                                                                                                                                                                      |
| DOCKET                | 24-cv-02901-NW                                                                                                                                                                                   |
| DISPOSITION           | dismissed                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Pro se prisoner civil-rights action dismissed without prejudice after court mail was returned as undeliverable and plaintiff failed to provide a current address or otherwise contact the court. |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status is not stated in the opinion.                                                                                                              |

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- prisoner civil rights
- civil procedure

QUESTIONS PRESENTED

- Whether the court could dismiss a pro se plaintiff’s action without prejudice under Northern District of California Civil Local Rule 3-11 when court mail was returned as undeliverable and the plaintiff failed

to provide a current address or communicate with the court within the required period.

## HOLDINGS

1. A district court may dismiss a pro se party's complaint without prejudice when mail directed to the party is returned as undeliverable and the court receives no written communication from the party indicating a current address within 60 days of the return.

## KEY QUOTATIONS

*“The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within 60 days of this return a written communication from the pro se party indicating a current address.” (at 1)*

*“Accordingly, the matter is DISMISSED without prejudice to El-Shaddai filing a motion to reopen the action.” (at 2)*

## FACTUAL BACKGROUND

Adonai El-Shaddai brought a pro se civil-rights action alleging retaliation at Salinas Valley State Prison. After the case was reassigned, the court's correspondence was returned as undeliverable, and El-Shaddai had not provided a current address or contacted the court for more than eight months.

## PROCEDURAL HISTORY

Plaintiff filed the civil-rights action on May 20, 2024, alleging retaliation at Salinas Valley State Prison. The court dismissed the original complaint with leave to amend, and plaintiff filed an amended complaint. After the case was reassigned, correspondence notifying plaintiff of the reassignment was returned as undeliverable, and plaintiff had not contacted the court for more than eight months. The court dismissed the action without prejudice under Northern District of California Civil Local Rule 3-11 and permitted plaintiff to move to reopen by providing his current address.

## DISPOSITION

dismissed

## CASES CITED

- Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988)

## OPINION

El-Shaddai v. Salinas Valley State Prison

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 ADONAI EL-SHADDAI, Case No. 24-cv-02901-NW 8 Plaintiff,

ORDER OF DISMISSAL

v. 9

10 SALINAS VALLEY STATE PRISON, et

al., 11 Defendants. 12 13 On May 20, 2024, plaintiff Adonai El-Shaddai filed the instant civil  
rights action 14 complaining about alleged retaliation at Salinas Valley State Prison. ECF No. 5.  
The Court 15 (Illman, J.) dismissed the complaint with leave to amend, and El-Shaddai filed an  
amended 16 complaint on August 26, 2024. ECF Nos. 10, 12. 17 On February 24, 2025, the case  
was reassigned to the undersigned judge. ECF No. 17. 18 The Court's correspondence notifying  
El-Shaddai of the reassignment was returned as 19 undeliverable. ECF No. 18. El-Shaddai has not  
provided the Court with his current address; he 20 has not made any contact with the Court in over  
eight months. Pursuant to Northern District Civil 21 Local Rule 3-11, a party proceeding without  
attorney representation (pro se) whose address 22 changes while an action is pending must  
promptly file and serve upon all opposing parties a notice 23 of change of address specifying the  
new address. Civ. L.R. 3-11(a). The Court may, without 24 prejudice, dismiss a complaint when:  
(1) mail directed to the pro se party by the court has been 25 returned to the court as not  
deliverable, and (2) the court fails to receive within 60 days of this 26 return a written  
communication from the pro se party indicating a current address. Civ. L.R. 3- 27 11(b); see also  
Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal of pro se 1 prisoner's  
complaint for failing to notify court of his change of address). 2 Accordingly, the matter is  
DISMISSED without prejudice to El-Shaddai filing a motion to 3 reopen the action. Any motion  
to reopen must be accompanied by a notice of his current address. 4 || The Clerk shall close the  
file. 5 IT IS SO ORDERED. 6 Dated: May 6, 2025 5 . Noël Wise 8 United States District Judge 9  
10 11 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28