

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Aaron Johnson v. Kevin Luper, et al.

Civil Action No. 24-2492, Section J(1) · No. Civil Action No. 24-2492 · Decided January 22, 2026

SUMMARY

A magistrate judge recommends dismissing Aaron Johnson’s 42 U.S.C. § 1983 complaint without prejudice for failure to prosecute. The recommendation is based on Johnson’s failure to provide a current address after mail was returned as undeliverable and after the Court ordered him to submit a change of address.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Janis van Meerveld
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	January 22, 2026
DOCKET	Civil Action No. 24-2492
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 civil-rights complaint while incarcerated. After mail was returned as undeliverable and plaintiff failed to provide a current address, the magistrate judge issued a report and recommendation recommending dismissal without prejudice for failure to prosecute.
STANDARD OF REVIEW	A federal court may dismiss an action sua sponte for failure to prosecute or failure to comply with the Federal Rules of Civil Procedure or a court order, but the power should be exercised sparingly. For a pro se plaintiff, the court considers the plaintiff's own conduct in determining whether dismissal is appropriate.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- section 1983
- prisoners rights
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the Eastern District of Louisiana's Local Rules after plaintiff failed to provide a current address.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice for failure to prosecute because Johnson failed to provide a current address after court mail was returned and after being ordered to do so.

KEY QUOTATIONS

“The power to dismiss for want of prosecution should be used sparingly, although it may be exercised sua sponte whenever necessary to achieve the orderly and expeditious disposition of cases.” (at 2)

“Accordingly, his complaint should be dismissed for failure to prosecute.” (at 3)

FACTUAL BACKGROUND

Johnson filed a § 1983 complaint while incarcerated at Rayburn Correctional Center. After he was released on November 11, 2025, mail sent to the correctional center was returned as undeliverable, and the court ordered him to file a written change of address. Johnson had provided no alternate address, did not notify the court of his current address, and had expressly acknowledged in his complaint that failure to keep the court informed of his whereabouts could result in dismissal.

PROCEDURAL HISTORY

Aaron Johnson filed this federal civil-rights action in October 2024 while incarcerated at Rayburn Correctional Center. Mail sent to him was returned after his release, and the court ordered him to provide a change of address. Johnson did not provide a current address or otherwise respond. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b), subject to the parties' opportunity to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626 (1962)
- McCullough v. Lynaugh, 835 F.2d 1126 (5th Cir. 1988)
- Ramsay v. Bailey, 531 F.2d 706, 707 (5th Cir. 1976)
- Torns v. State of Miss. Department of Corrections, 262 F. App'x 638, 639 (5th Cir. 2008)

- Raborn v. Inpatient Management Partners, Inc., 278 F. App'x 402, 404-05 (5th Cir. 2008)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

OPINION

Luper

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
AARON JOHNSON CIVIL ACTION
VERSUS NO. 24-2492

KEVIN LUPER, ET AL. SECTION: "J"(1)

REPORT AND RECOMMENDATION

In October 2024, while incarcerated at the Rayburn Correctional Center, plaintiff Aaron Johnson filed this federal civil rights complaint pursuant to 42 U.S.C. § 1983. On December 17, 2025, mail sent by the Court to Johnson at the Rayburn Correctional Center was returned as undeliverable and stamped "RETURN TO SENDER REFUSED UNABLE TO FORWARD."¹ A handwritten notation on the envelope states "Released."² On December 19, 2025, the Court ordered Johnson to file a written change of address.³ On January 13, 2026, the copy of the order sent to Johnson at the correctional center was returned as undeliverable and stamped "RETURNED TO SENDER No Longer at RCC."⁴ Johnson provided no alternate private home address in the complaint, and he has not notified the Court of his current address. That failure is a direct violation of this Court's Local Rules, which expressly provide: "Each attorney and pro se litigant has a continuing obligation promptly to notify the court of any address or telephone number change." Local Rule 11.1. Moreover, it is clear that Johnson was in fact aware of that obligation, in that his complaint included the following declaration: "I understand that if I am released or transferred, it is my 1 R. Doc. 22. 2 Id. 3 R. Doc. 23. 4 R. Doc. 24. responsibility to keep the Court informed of my whereabouts and failure to do so may result in this action being dismissed with prejudice."⁵ This Court's Local Rules provide: The failure of an attorney or pro se litigant to notify the court of a current e-mail or postal address may be considered cause for dismissal for failure to prosecute when a notice is returned to the court because of an incorrect address and no correction is made to the address for a period of 35 days from the return. Local Rule 41.3.1. As already noted, more than thirty-five days ago, mail sent to Johnson at the Rayburn Correction Center, was returned by the United States Postal Service as undeliverable. A recent search of Louisiana's Vinelink inmate database reflects that Johnson was released from custody on November 11, 2025.⁶ In the light of the foregoing, it is appropriate to dismiss Johnson's complaint for want of prosecution. The authority of a federal trial court to dismiss a plaintiff's action because of failure to prosecute is clear. *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The Federal Rules of Civil Procedure specifically provide that a court may, in its discretion,

dismiss a plaintiff's action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or any order of the court. Fed. R. Civ. P. 41(b). The Court's power to dismiss for want of prosecution should be used sparingly, although it may be exercised sua sponte whenever necessary to achieve the orderly and expeditious disposition of cases. *Ramsay v. Bailey*, 531 F.2d 706, 707 (5th Cir. 1976). Because Johnson is proceeding pro se, the Court need consider only his conduct in determining whether dismissal is proper under Rule 41(b). Here, Johnson has not provided the 5 R. Doc. 1 at 8. 6 <https://vinelink.com/person-detail/offender/2413119;tabIndexToSelect=0>. Court with his current address despite being aware of his obligation to do so. Due solely to his failure, this Court has no way to advance this case on the docket. This delay is caused by and attributable to Johnson himself, justifying dismissal of his complaint for failure to prosecute. See *Torns v. State of Miss. Dept. of Corrs.*, 262 F. App'x 638, 639 (Sth Cir. 2008); *Raborn v. Inpatient Mgt. Partners, Inc.*, 278 F. App'x 402, 404-05 (Sth Cir. 2008). Accordingly, his complaint should be dismissed for failure to prosecute.

RECOMMENDATION

It is therefore RECOMMENDED that Aaron Johnson's complaint be DISMISSED WITHOUT PREJUDICE for failure to prosecute. A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, provided that the party has been served with notice that such consequences will result from a failure to object. 28 U.S.C. § 636(b)(1); *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (Sth Cir. 1996) (en banc). New Orleans, Louisiana, this 22nd day of January, 2026.

JANIS VAN MEERVELD

UNITED STATES MAGISTRATE JUDGE