

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Joey Dennis v. D. Samuel

Dennis v. Samuel · No. 2:23-cv-04981-CV-BFM · Decided June 13, 2025

SUMMARY

The court ordered habeas petitioner Joey Dennis to show cause why his action should not be dismissed without prejudice for failing to keep the Court informed of his current address. The order states that mail was returned, the petitioner appeared to have been released from custody, and he had not contacted the Court for over a year. The petitioner was required to respond by June 27, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Brianna Fuller Mircheff
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 13, 2025
DOCKET	2:23-cv-04981-CV-BFM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a federal habeas corpus petition. After mail to petitioner was returned and records indicated that he had been released from custody, the court issued an order to show cause why the action should not be dismissed without prejudice for failure to notify the court of his current address and failure to prosecute.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Joey Dennis v. D. Samuel

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure

QUESTIONS PRESENTED

1. Whether a pro se habeas petitioner's failure to keep the court informed of a current address provides grounds for dismissal under Local Rule 41-6.
2. Whether the petitioner's apparent abandonment of the petition and failure to prosecute warranted an order to show cause regarding dismissal without prejudice.

HOLDINGS

1. Under Central District of California Local Rule 41-6, a pro se litigant's failure to keep the court apprised of a current address is grounds for dismissal.
2. Failure to prosecute may support dismissal without prejudice, and the petitioner's prolonged lack of contact and apparent abandonment of the petition warranted an order to show cause before dismissal.

KEY QUOTATIONS

"Under Local Rule 41-6, the failure of a pro se litigant to keep the court apprised of his address is itself grounds for dismissal of the action." (1)

"Providing the Court with his current address will constitute an adequate response to this Order." (2)

FACTUAL BACKGROUND

Dennis filed a petition for a writ of habeas corpus, and the matter was fully briefed. Mail sent to him at his former correctional facility was returned, while the CDCR inmate locator indicated that he had been released from custody. Dennis had not contacted the court for more than a year and had not supplied a post-release address, leaving the court without a current means of contacting him.

PROCEDURAL HISTORY

The habeas petition was fully briefed and ready for decision. During the interim, mail sent to petitioner at his correctional facility was returned, and the CDCR inmate locator indicated that petitioner was no longer in custody. Because petitioner had not contacted the court for more than a year or provided a post-release address, the court ordered him to show cause by June 27, 2025, why the case should not be dismissed without prejudice.

DISPOSITION

other

CASES CITED

- *Uribe v. Spearman*, No. CV 15-4908-JGB (JPR), 2019 WL 3284581, at *1 (C.D. Cal. July 19, 2019)

OPINION

Joey Dennis v. D. Samuel

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No.: 2:23-cv-04981-CV-BFM Date: June 13, 2025 Title: Joey Dennis v. D. Samuel, et al.
Present: The Honorable Brianna Fuller Mircheff, United States Magistrate Judge Christianna Howard N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Petitioner: Attorneys Present for Respondent:

N/A N/A

Proceedings: (In Chambers) Returned Mail and Order to Show Cause Re: Failure to Notify Court of Address Change Petitioner filed a petition for a writ of habeas corpus. (ECF 1.) The matter is fully briefed and ready for decision. In the interim, it appears Petitioner has been released from custody; mail sent to his facility earlier this year has been returned (ECF 37, 38, 39), and CDCR's inmate locator indicates he is no longer in custody. Dennis has had no contact with the Court for over a year and has not provided his post-release address to the Court. The Court thus has no current means to get a hold of him. Under Local Rule 41-6, the failure of a pro se litigant to keep the court apprised of his address is itself grounds for dismissal of the action. In this case, Petitioner's actions suggest he may have abandoned this Petition, and failure to prosecute, too, is grounds for dismissal without prejudice. See *Uribe v. Spearman*, No. CV 15-4908-JGB (JPR), 2019 WL 3284581, at *1 (C.D. Cal. July 19, 2019) (noting that habeas petitioner who did not file change of address after he was released from custody "appear[ed] to have abandoned his claims"). The Court therefore orders Petitioner to show cause—meaning, to explain—why the case should not be dismissed for failure to keep the Court informed of his current address. Page 1 of 2

CIVIL MINUTES – GENERAL

Case No.: 2:23-cv-04981-CV-BFM Date: June 13, 2025 Title: Joey Dennis v. D. Samuel, et al. Petitioner's response to this Order must be filed no later than June 27, 2025. Providing the Court with his current address will constitute an adequate response to this Order. Failure to respond to this Order by June 27, 2025, may result in a recommendation to the District Judge that this action be dismissed without prejudice for failure to notify the Court of his current address. IT IS SO ORDERED. cc: Joey Dennis, pro se Taylor T. Nguyen, CAAG Initials of Preparer: ch Page 2 of 2