UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

OLIVIA JOHNSON,

Plaintiff,

v.

GINA ABADI, et al.,

Defendants.

No. 2:25-cv-03403-TLN-SCR

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding pro se in this action, which is referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On November 24, 2025, Plaintiff filed a complaint and a motion to proceed in forma pauperis ("IFP"). ECF Nos. 1 and 2. On December 3, 2025, this Court screened the complaint per the screening process required by 28 U.S.C. § 1915(e)(2) and found the complaint was deficient and failed to state a claim. ECF No. 3. The Court's order provided in relevant part that Plaintiff shall have 30 days to file an amended complaint that addresses the defects set forth in the order. ECF No. 3 at 5-6. The Order warned that failure to comply may result in a recommendation that the action be dismissed. *Id*. at 6. More than 30 days have passed, and Plaintiff has not filed an amended complaint.

Additionally, the docket reflects that the mailing of the order was returned as undeliverable. Parties to litigation have an obligation to keep the Court informed as to their current address. *See* Local Rule 182(f) ("Each appearing attorney and pro se party is under a

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continuing duty to notify the Clerk and all other parties of any change of address . . . "). If mail is returned as undeliverable and the party "fails to notify the Court and opposing parties within thirty (30) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute." Local Rule 183(b).

Given that Plaintiff has not responded to the Court's order to file an amended complaint, and has not kept the Court informed as to a current address, the Court finds that dismissal is appropriate. *See Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) ("we can imagine no less drastic sanction that was available" other than dismissal without prejudice where the litigant had failed to update his address and any further order to show cause or order imposing sanctions "would only find itself taking a round trip tour through the United States mail").

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's Complaint and this action be dismissed without prejudice for failure to state a claim and for failure to comply with the Court's order and Local Rules; and
2. The Clerk be directed to enter Judgment and close this file.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within **fourteen days** after being served with these findings and recommendations, either party may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may result in waiver of the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: January 21, 2026.

SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE