

THE HONORABLE JOHN C. COUGHENOUR

1
2
3
4
5
6
7
8
9
10
11
12
13
14

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DRANOEL ENAJ BROWN,

Plaintiff,

v.

KING COUNTY JAIL, *et al.*,

Defendants.

CASE NO. C16-1332-JCC-JPD

ORDER

This matter comes before the Court on Plaintiff Dranoel Enaj Brown’s objections (Dkt. No. 15) to the report and recommendation of the Honorable James P. Donohue, United States Magistrate Judge (Dkt. No. 11). On November 21, 2016, Judge Donohue recommended that this case be dismissed without prejudice for failure to prosecute pursuant to Local Civil Rule 41(b)(2), because over 60 days had passed since mail directed to Brown at his address of record was returned by the post office, and because Brown had not notified the Court of his current address. (Dkt. No. 11 at 1-2.)

On December 6, 2016, Brown provided an updated address and explained that the lapse in communication was due to matters outside of his control. (Dkt. No. 13.) Namely, Brown alleged that he was not released from custody as Defendant King County Jail had indicated, but that Brown was instead in transit to FCI Sheridan without the ability to receive or submit filings. (See generally Dkt. Nos. 13-15.) Brown now objects to the recommendation that his case be

1 dismissed, arguing that a dismissal would not be in the interests of justice. (Dkt. No. 15 at 1.)

2 Brown has shown good cause to grant him the opportunity to proceed with this case
3 despite his failure to adhere to Rule 41(b)(2). Accordingly, the Court GRANTS Brown's
4 objections (Dkt. No. 15) and declines to dismiss the case for failure to prosecute. Going forward,
5 however, Brown should not expect blanket forgiveness of any failure to follow court rules.

6 Moreover, Brown should note that this order returns him to the position he was in on
7 September 8, with the Court declining to serve his complaint on Defendants without adequate
8 amendment. (*See generally* Dkt. No. 7.) Accordingly, for this case to proceed any further, Brown
9 must amend his complaint in conformance with Judge Donohue's order declining service and
10 granting leave to amend (Dkt. No. 7). **Brown must file his amended complaint curing these**
11 **deficiencies within 45 calendar days of this order, or his complaint will again be dismissed,**
12 **this time for failure to state a claim upon which relief may be granted.**

13 The Clerk is DIRECTED to send a copy of this order to Brown, along with a copy of
14 Judge Donohue's order declining service and granting leave to amend (Dkt. No. 7). The Clerk is
15 further DIRECTED to send a copy of this order to Judge Donohue.

16 DATED this 10th day of January 2017.

17
18
19
20
21
22


23 John C. Coughenour
24 UNITED STATES DISTRICT JUDGE
25
26