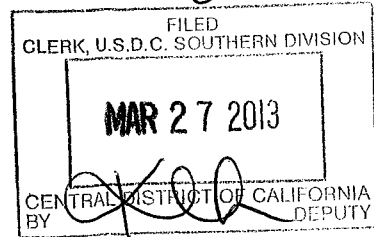


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3 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
4 FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

5 DATED: 3-27-13
6 [Signature]
DEPUTY CLERK



7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 KERRY DAWSON aka LARRY
12 LEE JACKS,
13 Plaintiff,
14 vs.
15 DEPUTY WATANATHIA, et
16 al.,
Defendants.

Case No. EDCV 12-1306-GHK (RNB)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

17 On February 26, 2013, the assigned Magistrate Judge issued a Report and
18 Recommendation herein, recommending the dismissal of this pro se civil rights action
19 without prejudice for failure to prosecute after plaintiff failed to respond to the
20 Magistrate Judge's order to either return the service package to the United States
21 Marshal or show cause in writing why this case should not be dismissed for failure
22 to prosecute. Although a copy of the Report and Recommendation was mailed to
23 plaintiff at his address of record on February 27, 2013, the copy was then returned
24 undelivered with the box for "Out of Custody" checked off and the stamped notation,
25 "Return to Sender/Not Deliverable as Addressed/Unable to Forward."

26 Under Central District of California Local Rule 41-5, it was incumbent on
27 plaintiff to keep the Court apprised of his current address. The rule further provides
28 that, "[i]f mail directed by the Clerk to a *pro se* plaintiff's address of record is

1 returned undelivered by the Postal Service, and if, within fifteen (15) days of the
2 service date, such plaintiff fails to notify, in writing, the Court and opposing parties
3 of said plaintiff's current address, the Court may dismiss the action with or without
4 prejudice for want of prosecution."

5 Here, more than fifteen (15) days have elapsed since the service of the Report
6 and Recommendation, and no notice of change of address has been filed by plaintiff.
7 Moreover, based on its review pursuant to 28 U.S.C. § 636 of all the records and files
8 herein, including the Report and Recommendation, the Court concurs with and
9 accepts the Magistrate Judge's findings and recommendation.

10 IT THEREFORE IS ORDERED that Judgment be entered dismissing this
11 action without prejudice.

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13 DATED: 3/22/13

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16 _____
17 GEORGE H. KING
18 UNITED STATES DISTRICT JUDGE
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