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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OSCAR MONROY FLORES,)	Case No.: 1:12-cv-01476 LJO JLT
Plaintiff,)	
v.)	FINDINGS AND RECOMMENDATION
)	DISMISSING COMPLAINT FOR FAILURE TO
SIX UNKNOWN AGENTS et al.,)	NOTIFY THE COURT OF THE CHANGE OF
Defendants.)	ADDRESS AND FAILING TO PROSECUTE
)	(Doc. 8)
)	
)	
)	

On September 10, 2012, Plaintiff filed this action. (Doc. 1) However, on September 19, 2012, the Court ordered the complaint stricken because it set forth no intelligible claims for relief. (Doc. 2) On October 1, 2012, the order was returned as undeliverable.

Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the court apprised of his or her current address at all times. Local Rule 183(b) provides, in pertinent part:

If mail directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty (60) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

Here, more than sixty days have passed since Plaintiff's mail was returned and he has not notified the court of a current address.

In determining whether to dismiss an action for lack of prosecution, the court must consider several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to

1 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition
2 of cases on their merits; and (5) the availability of less drastic sanctions. Henderson v. Duncan, 779
3 F.2d 1421, 1423 (9th Cir. 1986); Carey v. King, 856 F.2d 1439 (9th Cir. 1988). The court finds that
4 the public's interest in expeditiously resolving this litigation and the court's interest in managing the
5 docket weigh in favor of dismissal, as this case has been pending [amount of time]. The court cannot
6 hold this case in abeyance indefinitely based on petitioner's failure to notify the court of his address.
7 The third factor, risk of prejudice to defendants, also weighs in favor of dismissal, since a presumption
8 of injury arises from the occurrence of unreasonable delay in prosecuting an action. Anderson v. Air
9 West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor -- public policy favoring disposition of
10 cases on their merits -- is greatly outweighed by the factors in favor of dismissal discussed herein.
11 Finally, given the court's inability to communicate with petitioner based on petitioner's failure to keep
12 the court apprised of his current address, no lesser sanction is feasible.

13 RECOMMENDATION

14 Accordingly, the Court HEREBY RECOMMENDS that this action be **DISMISSED** for
15 petitioner's failure to keep the Court apprised of his address and his failure to prosecute this action.

16 These findings and recommendations are submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 14 days after
18 being served with these findings and recommendations, any party may file written objections with the
19 court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate
20 Judge's Findings and Recommendations." Any reply to the objections shall be served and filed within
21 ten days after service of the objections. The parties are advised that failure to file objections within
22 the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
23 1153 (9th Cir. 1991).

24
25 IT IS SO ORDERED.

26 Dated: December 12, 2012

27 /s/ Jennifer L. Thurston
28 UNITED STATES MAGISTRATE JUDGE