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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TERRELL,

Plaintiff,

No. CIV S-09-3318 GEB DAD PS

vs.

STATE OF CALIFORNIA
EMPLOYMENT DEVELOPMENT
DEPARTMENT,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____ /

By order filed December 3, 2009, plaintiff was granted thirty days to file a new in forma pauperis application that provides all required information. Plaintiff was cautioned that failure to respond to the order in a timely manner may result in a recommendation that this action be dismissed. The thirty-day period has now expired, and plaintiff has not filed a properly completed in forma pauperis application or responded in any way to the court’s order.

Although it appears from the file that plaintiff’s copy of the order was returned to the court marked undeliverable, return to sender, not deliverable as addressed, and unable to forward, plaintiff was properly served with the order. It is the plaintiff’s responsibility to keep the court apprised of a current address at all times. Local Rule 182(f). Absent notice of a party’s change of address, service of documents at the party’s address of record is fully effective. Id.

1 IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice for failure to comply with a court order and for failure to comply with Local Rule
3 182(f). See Fed. R. Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations will be submitted to the United States
5 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
6 fourteen days after being served with these findings and recommendations, plaintiff may file
7 written objections with the court. A document containing objections should be titled "Objections
8 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court's order. See
10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: January 28, 2010.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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