

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JOSEPH DELGADO,

Plaintiff,

No. 2:10-cv-2379 MCE KJN P

vs.

CDCR MEDICAL HEALTH CARE
DEPARTMENT, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

On August 11, 2011, Susan Coleman, counsel for the sole remaining defendant (Dr. Wedell), filed a declaration stating that she had been informed by plaintiff's last place of incarceration that plaintiff was released on parole on July 2, 2011. (See Dkt. Nos. 35, 36.) Counsel states that she is unable to proceed with plaintiff's deposition (noticed for July 20, 2011) or other discovery matters if she cannot contact plaintiff. The discovery deadline is August 26, 2011. (Dkt. No. 32.) Plaintiff has not communicated with the court since June 8, 2011. (Dkt. No. 33.)

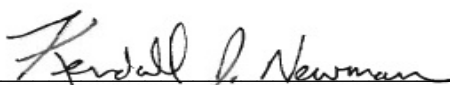
Plaintiff has failed to comply with Local Rule 182(f), which requires that a party appearing in propria persona promptly inform the court of any address change. There appears to be no way to contact plaintiff. Defense counsel was informed, on July 13, 2011, by the litigation

1 department at the California Substance Abuse Treatment Facility (“SATF”), plaintiff’s last place
2 of incarceration, that plaintiff had not filed a change of address with that facility. Similarly,
3 plaintiff has not filed a change of address in this court, although he was released on parole more
4 than thirty days ago.

5 Accordingly, given the passage of time, IT IS HEREBY RECOMMENDED that
6 this action be dismissed without prejudice due to petitioner’s failure to keep the court apprised of
7 his current address. See Local Rules 182(f) and 110.

8 These findings and recommendations are submitted to the United States District
9 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
10 after being served with these findings and recommendations, plaintiff may file written objections
11 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
12 and Recommendations.” Any response to the objections shall be filed and served within 14 days
13 after service of the objections. Failure to file objections within the specified time may waive the
14 right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 DATED: August 22, 2011

16
17 
18 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

19 delg2379.address
20
21
22
23
24
25
26