

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES W. OLIVER,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

No. 2: 13-cv-1974 GEB KJN P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983.

On September 27, 2016, the undersigned recommended that defendant’s motion to dismiss be denied. (ECF No. 43.) On October 7, 2016, these findings and recommendations were returned unserved on plaintiff. On October 18, 2016, the undersigned granted defendant’s motion for an extension of time to file objections to the findings and recommendations. (ECF No. 46.) On October 28, 2016, this order was also returned unserved on plaintiff. The September 27, 2016 findings and recommendations and October 18, 2016 order were served on plaintiff’s address of record.

It appears that plaintiff has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court of any address change. It is the plaintiff’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local


1 Rule 182(f), service of documents at the record address of the party is fully effective.

2 Accordingly, IT IS HEREBY ORDERED that that September 27, 2016 findings and  
3 recommendations are vacated; and

4 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice based  
5 on plaintiff's failure to comply with Local Rule 183(b).

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

14 Dated: December 6, 2016

15   
16 \_\_\_\_\_  
17 KENDALL J. NEWMAN  
18 UNITED STATES MAGISTRATE JUDGE

19 O11974.nca  
20  
21  
22  
23  
24  
25  
26  
27  
28