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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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10 Edwin A. Calderon,

11 Plaintiff,

12 vs.

13 D. Miner,

14 Defendant.

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No. CV 11-0969-PHX-RCB (ECV)

ORDER

17 Plaintiff Edwin A. Calderon filed a *pro se* Civil Rights Complaint (Doc. 1) pursuant
18 to 42 U.S.C. § 1983 on May 16, 2011 while confined at the Red Rock Correctional Center
19 in Eloy, Arizona. The Court screened the complaint in an Order (Doc. 5) filed on June 16,
20 2011. In the screening order, the Court ordered the Clerk of Court to send Plaintiff a service
21 packet as to remaining Defendant Miner. Plaintiff was directed to advise the Court of any
22 change of address and that failure to comply may result in dismissal of the action (Doc. 5,
23 Order at 7).


24 A service packet as to Defendant Miner was received from Plaintiff on July 8, 2011
25 and forwarded to the U.S. Marshal Service on July 11, 2011. On September 14, 2011, the
26 summons was returned unexecuted as to Defendant Miner (Doc. 7). On December 8, 2011,
27 the Court entered an Order that the U.S. Marshal personally serve Defendant Miner (Doc.
28 8). On December 19, 2011, Plaintiff filed notice of change of address showing his address

1 as Tehachapi-CA-Tehachapi-CCI, Facility A, P.O. Box 1902, Tehachapi, CA 93581 (Doc.
2 9). Plaintiff stated in the notice he would be “going home next month” (*Id.*). On December
3 21, 2011, the summons was returned unexecuted as to Defendant Miner, showing Defendant
4 was no longer with the agency (Doc. 10).

5 On March 23, 2012, the Court issued an Order to Show Cause directing Plaintiff to
6 show cause within 20 days why the case should not be dismissed for failure to comply with
7 Fed.R.Civ.P. 4(m) (Doc. 12). The Order warned that if Plaintiff failed to respond the case
8 may be dismissed. The Order to Show Cause mailed to Plaintiff was returned as
9 undeliverable on April 2, 2012 (Doc. 13). Having failed to notify the Court of a new address,
10 it appears Plaintiff has abandoned his claims.

11 **IT IS THEREFORE ORDERED** that pursuant to Fed.R.Civ.P. 41(b) this action is
12 dismissed without prejudice and the Clerk of Court shall enter judgment accordingly.

13 DATED this 20th day of June, 2012.

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17 Robert C. Broomfield
18 Senior United States District Judge
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