

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  
CENTRAL DISTRICT OF CALIFORNIA**

DUWAIN REESE,

Plaintiff,

v.

K. ROBINSON, et al.,

Defendants.

Case No. CV 15-05939 DMG (AFM)

**ORDER TO SHOW CAUSE**

On March 9, 2017, defendants filed a Motion for Summary Judgment Based on Plaintiff's Failure to Exhaust Administrative Remedies and Notice to *Pro Se* Plaintiff Regarding Requirements for Opposing a Motion for Summary Judgment. On March 10, 2017, the Court ordered plaintiff to serve and file his opposition to the Motion for Summary Judgment no later than April 8, 2017. Additionally, plaintiff was advised that failure to oppose a motion may be construed as consent to the granting of the motion, and may result in dismissal of the action. Local Rule 7-12. The Court also directed plaintiff to review and follow the procedures in defendant's Notice regarding requirements for opposing a motion for summary judgment.

1 On April 14, 2017, the Court received several mail parcels addressed to  
2 plaintiff at his address of record and returned as undeliverable with the notation  
3 "Return to Sender Inmate Paroled." Previously, on April 28, 2016, plaintiff was  
4 advised that the Court must immediately be notified of any address changes and  
5 must provide the Court with the new address and its effective date. Plaintiff's  
6 failure to comply with a court order where plaintiff did not receive the order due to  
7 failure to inform the court of plaintiff's current address may result in the action  
8 being dismissed for failure to prosecute. *See Carey v. King*, 856 F.2d 1439, 1440-  
9 41 (9th Cir. 1988); Local Civil Rule 41-6. (See Order re Civil Rights Case, ECF  
10 No. 12.)

11 The docket shows that, as late as the date of this Order, plaintiff has not filed  
12 his opposition to the Motion for Summary Judgment or filed a notice of change of  
13 address.

14 Accordingly, IT IS ORDERED that within 20 days from the filing date of  
15 this Order, plaintiff shall show cause in writing why this action should not be  
16 dismissed without prejudice for failure to prosecute. Further, plaintiff is  
17 admonished that if he fails to timely file a response, the Court will recommend that  
18 this action be dismissed.

19  
20 DATED: April 28, 2017

21 

22  
23 ALEXANDER F. MacKINNON  
24 UNITED STATES MAGISTRATE JUDGE  
25  
26  
27  
28