

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 17-4079-JFW (SP) Date July 20, 2017

Title Michael Allen France v. Michael Martell, Warden

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly I. Carter

n/a

n/a

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

n/a

n/a

**Proceedings: (In Chambers) Order to Show Cause Why Petition Should Not Be Dismissed for Failure to Prosecute**

On June 1, 2017, petitioner Michael Allen France, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. On June 6, 2017, the court issued an Order Requiring Response to Petition. In paragraph 12 of that Order, the court instructed petitioner: "Petitioner shall immediately notify the court and counsel for respondent of any change of petitioner's address. If petitioner fails to keep the court informed of where petitioner may be contacted, this action will be subject to dismissal for failure to prosecute. See Local Rule 41-6." Local Rule 41-6, states as follows:

If mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of his current address, the Court may dismiss the action with or without prejudice for want of prosecution."

On June 7, 2017, the court mailed its June 6, 2017 Order to petitioner at his address of record, the California Health Care Facility in Stockton, California. That mailing was returned to the court as undeliverable on July 11, 2017, with an indication petitioner has been released from custody.

It therefore appears petitioner has failed to follow the court's Order to immediately notify the court of a change of address. Petitioner's failure to comply with the court's Order, and failure to comply with Local Rule 41-6, renders this action subject to dismissal for failure to comply with a court order and failure to prosecute.

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Accordingly, within **fourteen (14)** days of the date of this Order, that is, by **August 3, 2017**, petitioner is **ORDERED TO SHOW CAUSE**, in writing, why this action should not be dismissed for failure to prosecute and/or comply with a court order. Petitioner may discharge this Order to Show Cause by filing, by that date, a Notice of Change of Address with the court, showing petitioner's correct address. Petitioner is cautioned that his failure to timely file a response to this Order to Show Cause will be deemed by the court as consent to the dismissal of this action without prejudice.