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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 ARMANDO NUNEZ,  
11 Plaintiff,

12 v.

13 SALVAGE, et al.,

14 Defendants.  
15  
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Case No. CV 17-4271 AG(JC)

ORDER DISMISSING ACTION  
WITHOUT PREJUDICE


17 On June 8, 2017, plaintiff, who is in custody and is proceeding *pro se*, filed a  
18 Civil Rights Complaint (“Complaint”) and a Request to Proceed In Forma Pauperis  
19 (“IFP Request”). On the same date, the Clerk sent a notice to plaintiff which,  
20 among other things, advised him that he must notify the Court within five (5) days  
21 of any address change and that if mail directed to his address of record was returned  
22 undelivered and the Court was not notified in writing within five (5) days thereafter  
23 of his current address, the Court may dismiss the matter for want of prosecution.  
24 As such notice has not been returned, the Court presumes plaintiff received it. On  
25 June 30, 2017, an order issued by the Magistrate Judge and sent to plaintiff at his  
26 address of record on June 12, 2017, was returned undelivered, with an indication  
27 that plaintiff was no longer at the address of record. To date, plaintiff has not  
28 notified the Court of his new address.

On July 10, 2017, the Court issued an order (“July Order”) denying the IFP

1 Request with leave to amend based upon an inadequate showing of indigency,  
2 plaintiff's failure to authorize disbursements from his prison trust account to pay the  
3 filing fee, and plaintiff's failure to provided a certified copy of his trust fund  
4 statement for the last six (6) months. In the July Order, the Court afforded plaintiff  
5 thirty (30) days to re-submit the IFP Application and Complaint with the certified  
6 trust account statement and disbursement authorization and cautioned that the case  
7 would be dismissed if he failed to submit the required documents within the  
8 foregoing time frame. The Clerk sent a copy of the July Order to plaintiff at both  
9 his address of record (which, as noted above, appears to be incorrect) and at the  
10 address reflected for plaintiff (inmate #BB1289) in the California Department of  
11 Corrections inmate locator – <http://inmatelocator.cdcr.ca.gov> ("New Address").  
12 The copy of the July Order sent to plaintiff at his address of record has been  
13 returned undelivered. However, the copy of the July Order sent to plaintiff at the  
14 New Address has not been returned and the Court accordingly presumes that  
15 plaintiff received it.

16 The deadline to re-submit the IFP Application and Complaint with the  
17 certified trust account statement and disbursement authorization has expired. To  
18 date, plaintiff has not submitted such items to the Court. As plaintiff has already  
19 been cautioned that the failure timely to submit the foregoing documents would  
20 result in dismissal, IT IS HEREBY ORDERED that this action is DISMISSED  
21 without prejudice.

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23 DATED: August 30, 2017

  
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HONORABLE ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE