

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-7694 DSF(JC)	Date	November 29, 2017
Title	Francisco Javier Lara v. Department of Homeland Security		

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Hana Rashad

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

none present

none present

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE

On October 20, 2017, petitioner Francisco Javier Lara, who is proceeding *pro se*, formally filed a Petition for Writ of Habeas Corpus (“Petition”). The Petition reflects that petitioner’s address is 10250 Rancho Rd., Adelanto, CA 92301 (“address of record”). A Notice of Judge Assignment and Reference to a United States Magistrate Judge (“Notice”) was sent to petitioner at his address of record on the same date. (Docket No. 2). The Notice provided, in pertinent part:

Local Rule 83-2.4 requires that the Court must be notified within five (5) days of any address change. If mail directed by the clerk to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within five (5) days thereafter of your current address, the Court may dismiss the petition, with or without prejudice, for want of prosecution.

(Notice at 1) (Docket No. 2). The Notice was sent to petitioner at the address of record and was not returned undelivered. Accordingly, petitioner is presumed to have received the Notice. On November 1, 2017, the Court issued two additional orders (“November 1 Orders”) that the Clerk sent to petitioner at his address of record. (Docket Nos. 5-6). On November 13, 2017, the November 1 Orders were returned undelivered with an indication that petitioner had been released and that the November 1 Orders could not be forwarded.

Pursuant to Local Rule 41-6, a party proceeding *pro se* is required to keep the Court and opposing parties apprised of such party’s current address and telephone number, if any. Local Rule 41-6 further provides that 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 said plaintiff’s current address, the Court may dismiss the action with or without prejudice for want of prosecution.

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Accordingly, plaintiff is Ordered to Show Cause within fourteen (14) days, i.e., by no later than, December 13, 2017, as to why this Court should not dismiss this action for want of prosecution based upon plaintiff's failure to notify the Court in writing of his current address. If plaintiff has not responded to this Order to Show Cause and notified the Court in writing of plaintiff's current address by December 13, 2017, this action will be subject to dismissal without further notice for want of prosecution.

IT IS SO ORDERED.¹

Initials of
Deputy Clerk

hr

¹The Court's determinations and order herein constitute non-dispositive rulings on pretrial matters. To the extent a party disagrees with such non-dispositive rulings, such party may file a motion for review by the assigned District Judge within fourteen (14) days. See Local Rule 72-2.1. To the extent a party believes the rulings to be dispositive, rather than non-dispositive, such party has the right to object to this Court's determination that the rulings are non-dispositive within fourteen (14) days. A party will be foreclosed from challenging the rulings herein if such party does not seek review thereof, or object thereto.