

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: EDCV 12-1729-GHK (MAN)

Date: July 12, 2013

Title: Thomas David Rice v. W.V.D.C., et al.

=====

DOCKET ENTRY: Order To Show Cause Re: Possible Dismissal

=====

PRESENT:

Hon. Margaret A. Nagle , United States Magistrate Judge

Earlene Carson
Deputy Clerk

N/A
Court Reporter/Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

N/A

N/A

PROCEEDINGS (In Chambers):

On June 19, 2013, the Court issued an Order in this case (“June 19 Order”), which established a briefing scheduled for defendants’ pending motion to dismiss and advised plaintiff of matters related to the motion. On June 26, 2013, the United States Postal Service returned as undeliverable the copy of the June 19 Order served upon plaintiff by mail at his docket address of record; the return enveloped bore a sticker indicating “Return to Sender” on the ground that plaintiff is “Out Of Custody.”

Pursuant to Local Rule 41-6, a *pro se* litigant is required to keep the Court and opposing parties apprised of the litigant’s current address. The Rule 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.

More than 15 days have passed since the return of the June 19 Order, and plaintiff has not filed a notice of his new address, as required by Local Rule 41-6, or otherwise contacted the Court to provide a current address. Although it is plaintiff’s obligation to keep the Court apprized of his current address, the Court’s staff nonetheless has checked the Inmate Locator function for the County of San Bernardino website and has determined that there no longer is an entry for plaintiff at West Valley Detention Center, which confirms that he is out of custody.

Plaintiff’s failure to file a notice of the change in his address, and thus to notify the Court of his new address, violates Local Rule 41-6. Accordingly, plaintiff is ORDERED TO SHOW CAUSE why this action should not be dismissed for want of prosecution. **By no later than July 26, 2013**, plaintiff shall file a response to this Order To

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

Case No. EDCV 12-1729-GHK (MAN)

Date: July 12, 2013

Show Cause. Alternatively, plaintiff may discharge his obligation under this Order To Show Cause by filing *and serving* the change of address notice required by Local Rule 41-6 by no later than the above-noted July 26, 2013 deadline.

Plaintiff is advised that, should he fail to comply with this Order by the above deadline, the Court will presume that plaintiff no longer wishes to pursue this action and will recommend that the case be dismissed, without prejudice, for failure to prosecute.

IT IS SO ORDERED.