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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 14-01176 (BRO) (DTBx)	Date	October 7, 2014
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Title	WILLIAM J. VERDULT V. RON G. BUSH, ET AL.
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Present: The Honorable	BEVERLY REID O’CONNELL, United States District Judge
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Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

**ORDER TO SHOW CAUSE RE: FAILURE TO OPPOSE DEFENDANTS’
MOTION TO DISMISS AND FAILURE TO APPRISE THE COURT OF
CURRENT ADDRESS OF RECORD**

Pending before the Court is Defendant James Frey and Defendant Odelyn Frey’s (collectively, “Defendants”) joint Motion to Dismiss.¹ (Dkt. No. 19.) After Defendants filed the motion, the Court set a hearing date for October 27, 2014. (Dkt. No. 20.) Under the Court’s Local Rule 7-9, a party must oppose a motion at least 21 days prior to the scheduled hearing date. C.D. Cal. L.R. 7-9. Accordingly, Plaintiff’s opposition to Defendants’ motion was due no later than October 6, 2014. As of today, Plaintiff has not filed an opposition. Pursuant to the Court’s Local Rule 7-12, failure to file an opposition “may be deemed consent to the granting . . . of the motion.” C.D. Cal. L.R. 7-12.

Moreover, under Local Rule 41-6, “[a] party proceeding *pro se* shall keep the Court and opposing parties apprised of such party’s current address and telephone number, if any, and e-mail address, if any.” C. D. Cal. L. R. 41-6. Plaintiff is proceeding *pro se* in this matter. The Complaint indicates Plaintiff’s address is P.O. Box 142, Palm Springs, California, 92263. (Dkt. No. 3.) On July 30, 2014, Plaintiff filed a motion for

¹ Defendants are proceeding *pro se* in this matter and purport to file the motion on behalf of two other named defendants, Tyche Acquisitions Group, Inc. and Tyche Art International, Inc. (See Dkt. No. 19 at 1.) As explained in the Court’s previous order granting Defendant Bush’s motion to dismiss (see Dkt. No. 18), the Court’s Local Rule 83-2.2.2 provides that “[o]nly individuals may represent themselves *pro se*. No organization or entity of any other kind . . . may appear in any action or proceeding unless represented by an attorney permitted to practice before this Court under L.R. 83-2.1.” Accordingly, the Court will consider Defendants’ motion to be filed only on behalf of James Frey and Odelyn Frey.

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default judgment indicating his address is 44 Country Club Drive, Palm Desert, California, 92260. (Dkt. No. 11.) Given this discrepancy, Plaintiff must apprise the Court and all defendants in this matter of his current address.

Local Rule 41-6 also provides for dismissal of an action where a *pro se* plaintiff fails to apprise the Court of his or her address of record:

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.

C. D. Cal. L. R. 41-6. Pursuant to Plaintiff's Complaint, the Clerk directed various orders and notices to Plaintiff's Palm Springs address. Several of these documents have been returned undelivered. (*See* Dkt. Nos. 22, 23.) As of this date, Plaintiff has not timely notified the Court of his current address in accordance with Local Rule 41-6.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** why Defendants' Motion to Dismiss should not be granted. Plaintiff is also **ORDERED TO SHOW CAUSE** why the Court should not dismiss this action for lack of prosecution. Plaintiff's response to this order must be filed **no later than Wednesday, October 14, 2014, at 4:00 p.m.** An appropriate response to this order will include reasons demonstrating good cause for Plaintiff's failure to: (1) file an opposition to Defendants' motion, and (2) apprise the Court of his current address of record.

CC: William J. Verdult
44 Country Club Drive
Palm Desert, CA 92260

IT IS SO ORDERED.

Initials of Preparer

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