

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. ED CV 15-1556 RGK (MRW) Date April 2, 2020

Title Elsmore v. CHP

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

Proceedings: ORDER TO SHOW CAUSE RE: FAILURE TO UPDATE MAILING ADDRESS

1. The defense filed a status report regarding Mr. Elsmore's recently-concluded criminal case. (Docket # 72.) The Deputy Attorney General informed the Court that he believes Plaintiff was convicted at trial, sentenced to a multi-year term in prison, and remanded to custody. The experienced DAG suggests that Plaintiff's current civil action – which involves property that may have been purchased with the fruits of the criminal conduct at issue in the recent state trial – may now be subject to dismissal for lack of standing and related jurisdictional issues. (*Id.*)

2. A more fundamental issue arises due to Plaintiff's incarceration. Plaintiff Elsmore is a *pro se* litigant in this federal action. As such, he has an obligation to keep the Court informed of a correct mailing address. Failure to do so may require the Court to dismiss the action under Local Rule of Court 41-6, which 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 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.

3. Based on the report of his incarceration – and Plaintiff's failure to submit his own status report to the Court – the Court has reason to suspect that Plaintiff failed to properly update his address with the Court.

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4. Therefore, by May 4, 2020, Petitioner will file a sworn notice with the Court indicating his current, accurate mailing address. Failure to do so may lead the Court to conclude pursuant to Federal Rule of Civil Procedure 41 that Plaintiff has no interest in prosecuting this action further or is willing to abide by court orders.

5. The Court relieves the defense of its obligation to submit further status reports.