

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Defendant has filed a Motion to Dismiss for Failure to Prosecute under Federal Rule of Civil Procedure (“Rule”) 41(b). (Doc. # 26) Defendant asserts that on November 24, 2008, Defendant noticed Plaintiff’s deposition at Kearn Valley State Prison (“KVSP”) in Delano, California, for December 12, 2008. Defendant states that on November 26, 2008, his counsel was informed that Plaintiff was released on parole from KVSP on July 12, 2008, and that Plaintiff provided no forwarding address nor was the prison was able to locate him. (Doc. 26, Exh. B)

NOTICE TO PLAINTIFF

Defendant's motion seeks to have your case dismissed. Defendant's motion will, if granted, end your case. Plaintiff is advised that failure to respond to Defendant's motion will result in judgment being entered dismissing this action with prejudice. Fed. R. Civ. P. 41(b).

Local Rule of the U.S. District Court for the Eastern District of California 83-182(f) requires that “each party appearing *in propria persona* is under a continuing duty to notify

1 the Clerk and all other parties of any change of address . . . ”

2 In light of the foregoing,

3 **IT IS ORDERED** directing Plaintiff to file a response to Defendant’s motion within
4 21 days of the date of this Order. Failure to do so will result in the Court granting the
5 Defendant’s Motion to Dismiss.

6 **IT IS FURTHER ORDERED** directing Plaintiff to notify the Clerk of the Court of
7 his current address within 21 days of the date of this Order.

8 DATED this 12th day of February, 2009.

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11 Mary H. Murguia
12 United States District Judge
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