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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICKY REYES,

Plaintiff,

v.

B. GRACEWICH, et al.,

Defendants.

CASE NO. 1:08-CV-00709-LJO DLB-PC

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSAL OF ACTION
FOR FAILURE TO PROSECUTE

(Doc. 14)

OBJECTIONS, IF ANY, DUE IN FIFTEEN
DAYS

Plaintiff Ricky Reyes (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on May 5, 2008. On September 11, 2008, the court issued an order disregarding Plaintiff’s application to proceed in forma pauperis as moot. (Doc. 13). On October 3, 2008, the order was returned to the court by the United States Postal Service with a notation “Return to Sender- Discharged”. (Doc. 14.)

Pursuant to Local Rule 83-183(b), a party appearing in propria persona is required to keep the court apprised of his or her current address at all times. Local Rule 83-183(b) provides, in pertinent part:

If mail directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty (60) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

In the instant case, sixty days have passed since plaintiff’s mail was returned and he has not notified the court of a current address.

In determining whether to dismiss an action for lack of prosecution, the court must consider

