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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHEN GARCIA,
Petitioner,
v.
COJO MOORE & ASSOC.,
Respondent.

1:10-CV-00489 MJS HC
ORDER TO SHOW CAUSE WHY THE
PETITION SHOULD NOT BE DISMISSED
FOR PETITIONER'S FAILURE TO
PROSECUTE

Petitioner is a prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 19, 2010, the Court issued an order to show cause why the petition should not be dismissed. On August 3, 2010, the order served on Petitioner was returned by the U.S. Postal Service as undeliverable.

Pursuant to Local Rule 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 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-three (63) days

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thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

Without the ability to communicate with Petitioner, the Court is unable to maintain and faithfully adjudicate the present matter.

ORDER

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why the petition should not be dismissed without prejudice for Petitioner's failure to prosecute based on Petitioner's failure to inform the Court of his current address. Petitioner is ORDERED to inform the Court and any opposing counsel of his current address within sixty-three (63) days after service of this order.

Petitioner is forewarned that failure to follow this order will result in dismissal of the petition without prejudice pursuant to Local Rules 110 and 183(b).

IT IS SO ORDERED.

Dated: August 4, 2010

1st. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE