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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH H. CASNER,)	1:10-cv-01081-SKO-HC
)	
Petitioner,	)	ORDER TO PETITIONER TO SHOW CAUSE
	)	IN THIRTY (30) DAYS WHY THE
v.	)	ACTION SHOULD NOT BE DISMISSED
	)	FOR PETITIONER'S FAILURE TO
KATHLEEN DICKINSON, Warden,	)	INFORM THE COURT OF HIS CURRENT
	)	ADDRESS
)	
Respondent.	)	ORDER DEFERRING RULING ON
	)	RESPONDENT'S MOTION FOR AN
	)	EXTENSION OF TIME TO RESPOND TO
	)	THE PETITION (DOC. 16)

ORDER STAYING ORDER TO RESPONDENT TO RESPOND TO THE PETITION PENDING RESOLUTION OF THE ISSUE OF PETITIONER'S APPARENT FAILURE TO INFORM THE COURT OF HIS CURRENT ADDRESS (DOC. 12)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner has consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting consent in a signed writing filed by Petitioner on July 2, 2010 (doc. 5).

On March 12, 2012, the Court ordered Respondent to file within sixty days a response to the claims remaining in the petition. On May 3, 2012, Respondent filed a motion for an

1 extension of time to respond to the petition. On May 9, 2012, an
2 order concerning consent which had been mailed to Petitioner was
3 returned to the Court as undeliverable with a notation of
4 inability to forward the mail.

5 Pursuant to Local Rule 183(b), a party appearing in propria
6 persona is required to keep the Court informed of his or her
7 current address at all times. Local Rule 183(b) further provides
8 in pertinent part:

9 If mail directed to a plaintiff in propria
10 persona by the Clerk is returned by the U.S.
11 Postal Service, and if such plaintiff fails
12 to notify the Court and opposing parties
13 within sixty-three (63) days thereafter of a
14 current address, the Court may dismiss the
15 action without prejudice for failure to
16 prosecute.

17 Because mail sent from the Court to Petitioner was returned
18 with a notation that it was undeliverable and that the postal
19 service was unable to forward it, it appears that Petitioner has
20 failed to keep the Court informed of his current address.

21 Accordingly, the Court's consideration and ruling on
22 Respondent's request for an extension of time to file a response
23 to the petition is DEFERRED pending resolution of the issue of
24 Petitioner's apparent failure to keep the Court informed of his
25 current address.

26 Further, the Court's order requiring Respondent to file a
27 response to the petition is STAYED pending resolution of the
28 issue concerning Petitioner's address.

Petitioner is ORDERED to show cause within thirty (30) days
of the date of service of this order why the action should not be
dismissed for Petitioner's failure to keep the Court informed of

1 the Petitioner's current address.

2 Petitioner is INFORMED that a failure to respond in a timely
3 manner to this order will result in dismissal of the action for
4 failure to comply with an order of the Court and failure to
5 prosecute the action.

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7 IT IS SO ORDERED.

8 **Dated: May 14, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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