UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALBERT ANDREW LUCERO, Petitioner, v. MIKE D. McDONALD, Respondent.	1:10-cv—01714-AWI-SKO-HC ORDER TO PETITIONER TO FILE UPDATED ADDRESS INFORMATION AND EXPLANATION WITHIN FOURTEEN (14) DAYS OR FACE DISMISSAL OF THE PETITION (DOC. 1) DEADLINE: FOURTEEN (14) DAYS AFTER THE DATE OF SERVICE OF THIS ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis 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 December 2, 2010 (doc. 8), and entered on the docket on December 10, 2010.

Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the Court informed of his or her

current address at all times. Local Rule 183(b) further 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 thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

Review of the Court's docket reveals that in the instant case, the Court's order authorizing in forma pauperis status was served by mail on Petitioner on September 21, 2010. On October 1, 2010, the mail was returned as undeliverable and unable to forward. Again on October 8, 2010, an order of intra-district transfer and prisoner new case documents and order regarding consent were returned with the same notations. On December 10, 2010, the Clerk entered on the docket Petitioner's consent to jurisdiction of the Magistrate Judge, which was docketed as filed as of December 2, 2010. Further, the docket continues to reflect the original address of Petitioner as of the time the petition was filed in Sacramento in September, 2010, and transferred here on September 20, 2010, namely, High Desert State Prison (HDSP) at Susanville, California.

It therefore appears that Petitioner delayed in giving the Court updated address information for more than sixty days. It is also uncertain whether the Court has Petitioner's correct address information.

Petitioner is INFORMED that his delay in informing the Court of current address information constitutes a failure to comply with an order and rule of the Court pursuant to Local Rule 110.

Petitioner is further INFORMED that unless Petitioner submits to the Court within fourteen (14) days his updated address information and an explanation for Petitioner's previous failure to provide the Court with an updated address, the petition will not be screened and will be dismissed for Petitioner's failure to prosecute and comply with the rules and orders of the Court.

Accordingly, Petitioner shall SUBMIT to the Court updated address information and an explanation for his previous failure to inform the Court of his address no later than fourteen (14) days after the date of service of this order.

IT IS SO ORDERED.

Dated: December 16, 2010 **/s/ Sheila K. Oberto**
UNITED STATES MAGISTRATE JUDGE