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4	UNITED STATES DISTRICT COURT
5	EASTERN DISTRICT OF CALIFORNIA
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7	TEDDY L. SPEARMAN,Case No. 1:10-cv-02320-SAB (PC)
8 9	Plaintiff,ORDER DISMISSING THIS ACTION, WITHOUT PREJUDICE, FOR FAILURE TO PROSECUTEv.PROSECUTE
10	FEDERAL BUREAU OF PRISONS, et al.,
11	Defendants.
12	Plaintiff Teddy L. Spearman ("Plaintiff") is a federal prisoner proceeding pro se and in
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14	forma pauperis in this civil action pursuant to <u>Bivens v. Six Unknown Named Agents of Federal</u>
15	Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999 (1971), which provides a remedy for violation
16	of civil rights by federal actors. On April 10, 2013, the Court received a returned order that was
17	issued on February 12, 2013. The sixty-three (63) day period for notice of change of address has
18	now expired, and Plaintiff has not filed a notice of change of address or otherwise notified the
19	Court.
20	Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the
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22	Court apprised of his or her current address at all times. Plaintiff was advised of this rule in the
23	Court's First Informational Order. (ECF No. 5 ¶ 11.) Local Rule 183(b) provides, in pertinent
24	part:
25	If mail directed to a plaintiff in propria persona by the Clerk is returned by the
26 27	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.
28	In the instant case, more than sixty-three days have passed since Plaintiff's mail was 1

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returned, and he has not notified the Court of a current address.

2	"In determining whether to dismiss an action for lack of prosecution, the district court is
3	required to consider several factors: '(1) the public's interest in expeditious resolution of
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5	litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4)
6	the public policy favoring disposition of cases on their merits; and (5) the availability of less
7	drastic sanctions." Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting Henderson v.
8	Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)). These factors guide a court in deciding what to
9	do, and are not conditions that must be met in order for a court to take action. In re
10	Phenylpropanolamine (PPA) Prods. Liab. Lit., 460 F.3d 1217, 1226 (9th Cir. 2006) (citation
11	omitted).
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13	In this instance, Local Rule 183(b) provides for the dismissal of an action based on
14	returned mail. Given the Court's inability to communicate with Plaintiff, dismissal is warranted
15	and there are no other reasonable alternatives available. See Carey, 856 F.2d at 1441.
16	Accordingly,
17	IT IS HEREBY ORDERED that:
18	1. This action is DISMISSED, without prejudice, based on Plaintiff's failure to
19	prosecute; and
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21	2. The Clerk of the Court is directed to close this case.
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23	IT IS SO ORDERED.
24	Ture A. Lase
25	Dated: July 3, 2013UNITED STATES MAGISTRATE JUDGE
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