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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MELEDEZ,

CASE NO. 1:11-cv-00473-AWI-SMS

Plaintiff,

v.

ORDER DISMISSING CASE  
WITHOUT PREJUDICE FOR  
FAILURE TO PROSECUTE

CITY OF FRESNO POLICE  
DEPARTMENT,

Defendant.

On March 17, 2011, Plaintiff Nathaniel A. Meledez<sup>1</sup> filed a civil rights complaint alleging various constitutional and California state claims. Plaintiff failed to submit either the applicable filing fee of \$350.00 (28 U.S.C. § 1914) or an application to proceed *in forma pauperis* (28 U.S.C. § 1915(a)). On March 25, 2011, U.S. Magistrate Judge ordered Plaintiff to either pay the statutory fee or submit an application to proceed *in forma pauperis* on or before April 8, 2011. The Clerk of Court served the order on Plaintiff by mail. On April 8, 2011, the order was returned as undeliverable.

Local Rule 183(b) provides:

A party appearing *in propria persona* shall keep the Court and opposing parties advised as to his or her current address. If mail delivered 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 days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

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<sup>1</sup> Although the caption of the complaint spells Plaintiff's name "Meledez," the name is spelled "Melendez" in the body of the complaint.

1 More than 63 days having elapsed since the return of the notice mailed to Plaintiff and  
2 Plaintiff having failed to advise the Court of his current address, it is hereby ORDERED that this  
3 case be dismissed with prejudice for failure to prosecute.

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5 IT IS SO ORDERED.

6 Dated: June 13, 2011

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9 CHIEF UNITED STATES DISTRICT JUDGE