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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC LEE HACKETT,

CASE NO. 1:11-cv-00501-LJO-SMS

Plaintiff,

v.

ORDER DISMISSING CASE
WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE

CITY OF FRESNO,

Defendant.

_____ /

On February 17, 2011, Plaintiff Eric Lee Hackett filed a civil rights complaint alleging various constitutional and California state claims. After the Court denied Plaintiff's petition to proceed *in forma pauperis*, Plaintiff failed to submit the applicable filing fee of \$350.00 (28 U.S.C. § 1914). On April 19, 2011, the Magistrate Judge ordered Plaintiff to pay the statutory fee on or before May 2, 2011. The Clerk of Court served the order on Plaintiff by mail. On April 27, 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.

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

IT IS SO ORDERED.

Dated: July 5, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE