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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERNIE ALLEN LIPPS,

1:11-cv-0552-AWI-MJS (PC)

Plaintiff,

ORDER WITHDRAWING FINDINGS
AND RECOMMENDATION OF
DISMISSAL

v.

(ECF No. 6)

FRESNO COUNTY JAIL,

Defendant.

_____ /

Plaintiff Ernie Allen Lipps ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2011, the Magistrate Judge filed a Findings and Recommendation,

1 recommending that Plaintiff's Complaint be Dismissed due to Plaintiff's failure to keep the
2 Court apprised of his current address. (ECF No. 6.) However, after the Findings and
3 Recommendation was filed, Plaintiff filed a Notice stating that he had not provided an
4 address because he was homeless (although in a County jail at the time). (ECF No. 7.)
5

6 Inasmuch as Plaintiff did respond to the Findings and Recommendation in a way
7 that reflected a desire and intent to proceed with the action, the Court will give him **one**
8 **more** opportunity to, **within thirty (30) days** of the date of this Order, provide the Court
9 with an address (e.g., a friend's, a relative's, a post office) where mail from the Court may
10 be sent. Plaintiff must realize that Local Rule 183(b) requires that he keep the Court
11 apprised of his current address at all times and that, as a practical matter, the Court
12 simply can not process this case without an effective service address for him. Thus, if
13 Plaintiff fails to comply with this Order, regardless of the reasons, his case will be
14 dismissed. He will not be given a further opportunity to comply.
15

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The Findings and Recommendation, filed August 10, 2011, are hereby
18 withdrawn; and
19
- 20 2. Within 30 days of the date of this Order, Plaintiff shall notify the Court in
21 writing of his address to which mail may be sent.
22

23 IT IS SO ORDERED.

24 Dated: September 12, 2011

25 Is/ Michael J. Seng
26 UNITED STATES MAGISTRATE JUDGE