

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,

Plaintiff,

vs.

KATHLEEN ALLISON, Warden, *et al.*,

Defendants.

Case No. 1:11-cv-001749-RRB

**DISMISSAL ORDER**

The record reflects that this Court's Order Granting Motion in Limine at Docket 67 and Order Denying Motion for Summary Judgment at Docket 66 was entered and served by mail on Plaintiff on April 27, 2015.<sup>1</sup> The record further reflects that on May 12, 2015, the Court's Orders were returned as undeliverable. In its Screening Order the Court specifically warned Plaintiff that he must notify this Court of any change in his address, and the failure to do so could result in dismissal without further notice.<sup>2</sup> Plaintiff Ronald F. Martinez has not provided the Court with a current address.<sup>3</sup>

This Court may dismiss for failure to prosecute or failure to comply with a court order or rule. In so doing, this Court must weigh five factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk

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<sup>1</sup> Dockets 88, 89.

<sup>2</sup> Docket 11.

<sup>3</sup> See L.R. 183(b).

of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.<sup>4</sup>

In this case, weighing those factors to the extent that may otherwise be applicable, this Court concludes that dismissal without prejudice presents a proper balance among the five factors.

**IT IS SO ORDERED** this 17th day of June, 2015.

S/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> See *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).