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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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10 ROSALIO GARCIA,
11 Plaintiff,

12 vs.

13 CDCR, ET AL.,
14 Defendant

Case No.1:12 cv 00549 GSA PC

ORDER DISMISSING ACTION

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16 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C.
17 § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. §
18 636(c)(1).
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20 By order filed March 10, 2015, the operative complaint was dismissed for failure to state
21 a claim. Plaintiff was granted leave to file an amended complaint, and directed to do so within
22 thirty days. Plaintiff has not filed an amended complaint.¹
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26 The United States Postal Service returned the order on March 20, 2015, as undeliverable. A
27 notation on the envelope indicates that Plaintiff is no longer in custody at Avenal State Prison, Plaintiff's address of
28 record. Plaintiff has not notified the Court of any change in his address. Absent such notice, service at a party's
prior address is fully effective. Local Rule 182(f).

1 In the March 10, 2015, order the Court informed Plaintiff of the deficiencies in his
2 complaint, and dismissed the complaint on the ground that Plaintiff had failed to state a claim
3 upon which relief could be granted. Because Plaintiff has not filed an amended complaint, the
4 Court dismisses the claims made in the original complaint with prejudice for failure to state a
5 federal claim upon which the court could grant relief. See Noll v. Carlson, 809 F. 2d 1446, 1448
6 (9th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to amend prior to
7 dismissing for failure to state a claim).

8 Accordingly, IT IS HEREBY ORDERED that this action is dismissed for failure to state
9 a claim upon which relief can be granted. The Clerk is directed to close this case.

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11 IT IS SO ORDERED.

12 Dated: April 13, 2015

13 /s/ Gary S. Austin

14 UNITED STATES MAGISTRATE JUDGE
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