1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 RAFAEL GUZMAN, Case No.: 1:12-cv-00828-LJO-SAB (PC) 12 Plaintiff, ORDER FOR PLAINTIFF TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED 13 v. FOR FAILURE TO PROSECUTE 14 JOHN MARSHALL, et al., 15 Defendants. 16 Plaintiff Rafael Guzman is appearing pro se and in forma pauperis in this civil rights action 17 pursuant to 42 U.S.C. § 1983. 18 On January 12, 2016, the Findings and Recommendations were returned to the Court with a 19 20 notation "undeliverable, no longer at facility." 21 Plaintiff is required to keep the Court apprised of his current address at all times (Local Rule 182(f), and Local Rule 183(b) provides, "If mail directed to a plaintiff in propria persona by the Clerk 22 23 is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing 24 parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute." 25 26 Plaintiff's address change was due by March 21, 2016, but he failed to file one and he has not 27 otherwise been in contact with the Court. In fact, on March 4, 2016, the Court's February 18, 2016,

order regarding consent to magistrate judge jurisdiction was returned as "undeliverable."

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On March 2, 2016, Defendants filed a notice and submit that defense counsel "performed a search of Plaintiff's location through the Federal Bureau of Prisons and discovered Plaintiff was released from prison on November 10, 2015. (ECF No. 58-1, Declaration of Andrea Sloan ¶ 4 (Sloan Decl.).) Counsel then contacted Plaintiff's last known institution, LaSalle Detention Facility in Jena, LA and inquired as to how to get in contact with Plaintiff. (Id. ¶ 5.) Counsel was referred to the Immigration and Customs Enforcement (ICE) location in Louisiana, as Plaintiff was not legally in the United States. (Id. ¶ 6.) On February 12, 2016, counsel "spoke with ICE Enforcement and Removal Assistant, Cynthia." (Id. ¶ 7.) Counsel was informed that ICE records indicate Plaintiff was deported to his country of origin on December 11, 2015. (Id.) Defendants request dismissal of the action for failure to prosecute.

Based on the foregoing, within **twenty** (20) days from the date of service of this order, Plaintiff shall show cause why this action should not be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: **March 21, 2016**

UNITED STATES MAGISTRATE JUDGE

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