

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RUDY ZAMORA,

Plaintiff,

V.

JOLENE VENTO, et al.,

Defendants.

| Case No. 1:12-cv-02029-DLB PC

ORDER DISMISSING THIS ACTION,
WITHOUT PREJUDICE, FOR FAILURE TO
PROSECUTE

Defendants.
Plaintiff Rudy Zamora (“Plaintiff”) filed a motion to proceed
pro forma pauperis in this civil rights action. The Clerk of the
Court received a returned order that was issued by the Clerk of the
Court for notice of change of address has not been received by the
Court or otherwise notified the Court of his new address.

Pursuant to Local Rule 183(b), a party appearing in propria persona is required to keep the Court apprised of his or her current address at all times. Plaintiff was advised of this rule in the Court's First Informational Order. (ECF No. 3 ¶ 11.) Local Rule 183(b) provides, in pertinent part:

If mail directed 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 (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

1 In the instant case, more than sixty-three days have passed since Plaintiff's mail was returned, and
2 he has not notified the Court of a current address.

3 "In determining whether to dismiss an action for lack of prosecution, the district court is
4 required to consider several factors: '(1) the public's interest in expeditious resolution of
5 litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4)
6 the public policy favoring disposition of cases on their merits; and (5) the availability of less
7 drastic sanctions.'" *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting *Henderson v.*
8 *Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)). These factors guide a court in deciding what to
9 do, and are not conditions that must be met in order for a court to take action. *In re*
10 *Phenylpropanolamine (PPA) Prods. Liab. Lit.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (citation
11 omitted).

13 In this instance, Local Rule 183(b) provides for the dismissal of an action based on
14 returned mail. Given the Court's inability to communicate with Plaintiff, dismissal is warranted
15 and there are no other reasonable alternatives available. See *Carey*, 856 F.2d at 1441.

17 Accordingly, it is HEREBY ORDERED that:

- 18 1. This action is dismissed, without prejudice, based on Plaintiff's failure to
19 prosecute; and
20
21 2. The Clerk of the Court is directed to close this case.

22 IT IS SO ORDERED.

23 Dated: October 17, 2013

24 /s/ Dennis L. Beck
25 UNITED STATES MAGISTRATE JUDGE
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