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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD JIMENEZ,)	Case No.: 1:13-cv-01204-SAB (PC)
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY ACTION
)	SHOULD NOT BE DISMISSED
v.)	
)	
FRESNO COUNTY SUPERIOR COURT,)	
et.al.)	
)	
Defendant.)	
)	
)	

Plaintiff Richard Jimenez (“Plaintiff”), a pretrial detainee proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 2, 2013. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on September 24, 2013. Local Rule 302. This action is proceeding against Defendant Mark Redfield for excessive force.

On March 10, 2014, the Court issued an order directing the United States Marshal to serve the complaint on Defendant Redfield. The Court’s order was returned as undeliverable to Plaintiff on March 26, 2014. On May 9, 2014, the Court issued a subsequent discovery and scheduling order, which was also returned as undeliverable to Plaintiff on May 19, 2014.

Plaintiff is required to keep the Court apprised of his current address at all times, and Local Rule 183(b) provides, “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-

1 three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for
2 failure to prosecute.” Federal Rule of Civil Procedure 41(b) also provides for dismissal of an action
3 for failure to prosecute. Courts may dismiss actions sua sponte under Rule 41(b) based on the
4 plaintiff’s failure to prosecute. *Hells Canyon Preservation Council v. U. S. Forest Serv.*, 403 F.3d
5 683, 689 (9th Cir. 2005) (citation omitted). Plaintiff’s address change was due by May 28, 2014, but
6 he failed to file one and he has not otherwise been in contact with the Court.

7 Accordingly,

8 IT IS HEREBY ORDERED that Plaintiff is directed to show cause within **fourteen (14)** days
9 why the action should not be dismissed for failure to prosecute this action.

10
11 IT IS SO ORDERED.

12 Dated: **June 9, 2014**


UNITED STATES MAGISTRATE JUDGE