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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS ALBERTO VALENCIA,

 Petitioner,

 v.

CONNIE GIPSON,

 Respondent.

Case No. 1:13-CV-01864-LJO-SMS HC

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THAT THE COURT
DISMISS CASE WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE

On November 18, 2013, Petitioner Luis Alberto Valencia filed a petition for writ of habeas corpus. On August 20, 2014, the Magistrate Judge issued findings and recommendations recommending that the Court dismiss count two but allow the petition to proceed on the remaining counts. The Clerk of Court served Petitioner with a copy of the court order by mail. On September 4, 2014, the copy mailed to Petitioner was returned to the Clerk marked "undeliverable, name and ID do not match."

Local Rule 183 provides:

A party appearing *in propria persona* shall keep the Court and opposing parties advised as to his or her current address. 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.

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1 More than sixty-three (63) days having elapsed since the return of the notice mailed to
2 Plaintiff, and Plaintiff's having failed to advise the Court of his current address, it is hereby
3 RECOMMENDED that this case be dismissed without prejudice for failure to prosecute.

4 These findings and recommendations are submitted to the Honorable Lawrence J. O'Neill,
5 United States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule
6 72-304 of the Local Rules of Practice for the United States District Court, Eastern District of
7 California. Within fifteen (15) days after being served with a copy, Plaintiff may file written
8 objections with the court, serving a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." The Court will then review the
10 Magistrate Judge's ruling pursuant to 28 U.S.C. § 636(b)(1)(C). Plaintiff advised that failure to file
11 objections within the specified time may waive the right to appeal the District Court's order.
12

13 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

14 IT IS SO ORDERED.

15 Dated: November 17, 2014

16 /s/ Sandra M. Snyder
17 UNITED STATES MAGISTRATE JUDGE
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