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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA LEE BYERLEY,
Plaintiff,
v.
JEFFREY BEARD, et al.,
Defendants.

Case No. 1:14-cv-00150 DLB PC
ORDER DISMISSING ACTION

Plaintiff Joshua Lee Byerley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on February 5, 2014.

On February 23, 2015, the Court dismissed the complaint with leave to amend. Plaintiff was ordered to file an amended complaint within thirty (30) days. Over thirty (30) days passed and Plaintiff did not file an amended complaint or otherwise contact the Court. On April 10, 2015, the order served on Plaintiff was returned by the U.S. Postal Service as undeliverable. On April 23, 2015, the Court issued an order to show cause why the action should not be dismissed for failure to follow a Court order and failure to prosecute. Plaintiff was granted thirty (30) days to file a response or an amended complaint. On May 5, 2015, the order was returned by the U.S. Postal Service as undeliverable. Courts may dismiss actions *sua sponte* under Rule 41(b) based on the plaintiff’s failure to prosecute. Hells Canyon Preservation Council v. U. S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005). Based on Plaintiff’s failure to respond to court orders and failure to keep the Court apprised of his current address, the Court finds it necessary to dismiss the

1 action for failure to prosecute.

2 Accordingly, IT IS HEREBY ORDERED that the action is DISMISSED without
3 prejudice.

4 This terminates this action in its entirety.

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6 IT IS SO ORDERED.

7 Dated: May 14, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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