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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARIEL JAVIER,
Petitioner,
v.
MICHAEL L. BENOVA, Administrator,
Respondent.

Case No. 1:14-CV-00534-SMS HC

**ORDER DISMISSING CASE
WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE**

On April 16, 2014, Petitioner Ariel Javier filed a petition for writ of habeas corpus. On August 22, 2014, the Court ordered Respondent to file a response. The Clerk of Court served Petitioner with a copy of the court order by mail. On September 2, 2014, the order mailed to Petitioner was returned to the Clerk marked "undeliverable, unable to forward."

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.

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

IT IS SO ORDERED.

Dated: November 12, 2014

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE