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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JAMES PAYNE,

Petitioner,

v.

AUDREY KING, Executive Director of  
Coalinga State Hospital,

Respondent.

Case No. 1:14-cv-00538-LJO-SKO HC

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED  
FOR FAILURE TO PROSECUTE

RESPONSE DUE IN FIFTEEN DAYS

On March 7, 2014, Petitioner filed a petition for writ of habeas corpus. On January 11, 2016, the Court entered an order reassigning the magistrate judge assigned to this case. The Clerk of Court served Petitioner with a copy of the court order by mail. On January 20, 2016, the copy mailed to Petitioner was returned to the Clerk marked "undeliverable, return to sender."

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.

Although more than sixty-three (63) days have elapsed since the return of the order mailed to Plaintiff, Plaintiff has failed to advise the Court of his current address.

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1 The Court has discretion to impose any and all sanctions authorized by statute or rule or  
2 within the inherent power of the Court, including dismissing the action, based on a petitioner's  
3 failure to comply with a court rules. F.R.Civ.P. 11; Local R. 110.

4 Accordingly, the Court hereby orders that:

5 1. Within **fifteen (15) days** from the date of service of this order, Petitioner shall file a  
6 written response to the Court, showing cause why the case should not be dismissed for  
7 Petitioner's failure to file a change of address as required by Local R. 183. Submission of  
8 Petitioner's new address shall be deemed compliance with this requirement.

9 2. The Clerk of Court shall mail a copy of this order to Petitioner's last known address,  
10 along with a copy of the Court's January 11, 2016, order (Doc. 31).

11 3. Petitioner's failure to comply with this order to show cause will result in the dismissal  
12 of this action without further notice.  
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15 IT IS SO ORDERED.

16 Dated: March 28, 2016

17 /s/ Sheila K. Oberto  
18 UNITED STATES MAGISTRATE JUDGE  
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