

1 **Address Changes.** A party appearing in propria persona shall keep the Court and
2 opposing parties advised as to his or her current address. If mail directed to a plaintiff
3 in propria persona by the Clerk is returned by the U.S. Postal Service, and if such
4 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.

5 Federal Rule of Civil Procedure 41(b) also provides for dismissal of an action for failure to prosecute.¹

6 According to the Court’s docket, Plaintiff’s address change was due no later than September
7 21, 2015. Plaintiff has failed to file a change of address and he has not otherwise been in contact with
8 the Court. “In determining whether to dismiss an action for lack of prosecution, the district court is
9 required to weigh several factors: (1) the public’s interest in expeditious resolution of litigation; (2) the
10 court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
11 favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” Carey v.
12 King, 856 F.2d 1439, 1440 (9th Cir. 1988) (internal quotation marks and citation omitted); accord
13 Omstead v. Dell, Inc., 594 F.3d 1081, 1084 (9th Cir. 2010); In re Phenylpropanolamine (PPA) Prods.
14 Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006). These factors guide a court in deciding what to do,
15 and are not conditions that must be met in order for a court to take action. In re PPA, 460 F.3d at 1226
16 (citation omitted).

17 Plaintiff’s failure to comply with this Court’s rules, the expeditious resolution of litigation and
18 the Court’s need to manage its docket weigh in favor of dismissal. *Id.* at 1227. Given the Court’s
19 apparent inability to communicate with Plaintiff, there are no other reasonable alternatives available to
20 address Plaintiff’s failure to prosecute this action and his failure to apprise the Court of his current
21 address. In re PPA, 460 F.3d at 1228-29; Carey, 856 F.2d at 1441. The Court will therefore
22 recommend that this action be dismissed based on Plaintiff’s failure to prosecute this action.

23 **II. Conclusion and Recommendation**

24 For the reasons stated, it is HEREBY RECOMMENDED that this action be dismissed, without
25 prejudice, based on Plaintiff’s failure to prosecute. Fed. R. Civ. P. 41(b); Local Rule 183(b).

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¹ 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) (citation omitted).

