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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 MARCUS LEON LINTHECOME,

11 Plaintiff,

12 v.

13 SANDRA ALFARO, et al.,

14 Defendants.  
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Case No. 1:14-cv-01438-LJO-MJS (PC)

**FINDINGS AND RECOMMENDATIONS  
TO DISMISS ACTION FOR FAILURE TO  
PROVIDE A CURRENT ADDRESS**

16 Plaintiff is a former state prisoner proceeding pro se in this civil rights action  
17 brought pursuant to 42 U.S.C. § 1983. On April 2, 2015, the undersigned issued  
18 findings and recommendations to deny Plaintiff's application to proceed in forma  
19 pauperis and to require Plaintiff to pay the applicable filing fee within twenty-one days.  
20 (ECF No. 9.) On April 27, 2015, the District Judge assigned to the case adopted the  
21 findings and recommendations. (ECF No. 11.) The order adopting the findings and  
22 recommendations was returned to the Court as undeliverable, noting that Plaintiff was  
23 paroled. Plaintiff since has not provided the Court with his current address.

24 Local Rule 183(b) requires a party proceeding pro se to keep the Court apprised  
25 of his current address: "If mail directed to a plaintiff in propria persona by the Clerk is  
26 returned by the U.S. Postal service, and if such plaintiff fails to notify the Court and  
27 opposing parties within sixty-three (63) days thereafter of a current address, the Court  
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1 may dismiss the action without prejudice for failure to prosecute.” Here, more than sixty-  
2 three days have passed without Plaintiff providing the Court with his current address.

3 Accordingly, it is HEREBY RECOMMENDED that the action be DISMISSED  
4 WITHOUT PREJUDICE, based on Plaintiff’s failure to provide a current address.

5 The findings and recommendation are submitted to the United States District  
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
7 fourteen (14) days after being served with the findings and recommendation, any party  
8 may file written objections with the Court and serve a copy on all parties. Such a  
9 document should be captioned “Objections to Magistrate Judge’s Findings and  
10 Recommendation.” Any reply to the objections shall be served and filed within fourteen  
11 (14) days after service of the objections. The parties are advised that failure to file  
12 objections within the specified time may result in the waiver of rights on appeal.  
13 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923  
14 F.2d 1391, 1394 (9th Cir. 1991)).

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16 IT IS SO ORDERED.

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18 Dated: July 16, 2015

19 /s/ Michael J. Seng  
20 UNITED STATES MAGISTRATE JUDGE  
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