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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EVERETT LEE MEYERS,) Case No.: 1:14-cv-01954-DAD-SAB (PC)
)
Plaintiff,)
)
v.) ORDER TO SHOW CAUSE WHY ACTION
) SHOULD NOT BE DISMISSED FOR FAILURE
) TO PROSECUTE
)
C.K. CHEN,)
)
Defendant.)
)
)
)

Plaintiff Everett Lee Meyers is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff claim against Defendant Dr. Chen for deliberate indifference to a serious medical need in violation of the Eighth Amendment of the United States Constitution.

On December 5, 2015, the Court issued an order reassigning this action from District Judge Anthony W. Ishii to District Judge Dale A. Drozd, which was returned as undeliverable on February 29, 2016. (ECF No. 19.) On February 1, 2016, the Court issued the discovery and scheduling order, which was also returned as undeliverable March 16, 2016. (ECF No. 23.)

Plaintiff is required to keep the Court apprised of his current address at all times, and Local Rule 183(b) provides, “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-

1 three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for
2 failure to prosecute.” Federal Rule of Civil Procedure 41(b) also provides for dismissal of an action
3 for failure to prosecute.¹

4 Plaintiff’s address change was due by May 18, 2016, but he failed to file one and he has not
5 otherwise been in contact with the Court. Accordingly, it is HEREBY ORDERED that Plaintiff shall
6 show cause within **thirty (30)** days from the date of service of this order why the action should not be
7 dismissed, without prejudice, for failure to prosecute. Fed. R. Civ. P. 41(b); Local Rule 183(b).
8 Failure to respond to this order will result in the action being dismissed, without prejudice.

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10 IT IS SO ORDERED.

11 Dated: June 7, 2016



UNITED STATES MAGISTRATE JUDGE

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27 ¹ Courts may dismiss actions sua sponte under Rule 41(b) based on the plaintiff’s failure to prosecute.
28 Hells Canyon Preservation Council v. U. S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (citation omitted).