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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 THOMAS L. GOFF,
8 Plaintiff,

9 v.

10 GAMEZ, et al.,
11 Defendants.
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1:15-cv-00937-AWI-EPG (PC)

ORDER DISMISSING CASE WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE AND OBEY LOCAL RULES

15 Thomas Goff (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* in this civil rights
16 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
17 June 22, 2015. (ECF No. 1). On September 29, 2016, Magistrate Judge Erica P. Grosjean
18 screened the complaint. (ECF No. 11). The Magistrate Judge found that the complaint stated
19 an Eighth Amendment claim against defendants Gamez and Doe, and a Fourth Amendment
20 claim against defendants Everhart and Doe. (Id.). The Magistrate Judge gave Plaintiff the
21 option of proceeding against these defendants, filing an amended complaint, or notifying the
22 Court that he stands on his complaint, subject to the issuance of findings and recommendations
23 consistent with the screening order. (Id.).

24 However, it appears that Plaintiff never received a copy of the screening order because
25 the screening order was returned as undeliverable. By operation of Local Rule 183, Plaintiff
26 was given until December 27, 2016, to file a change of address. Plaintiff failed to do so.

27 Local Rule 183(b) states: “A party appearing *in propria persona* shall keep the Court
28 and opposing parties advised as to his or her current address. If mail directed to a plaintiff in

1 propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to
2 notify the Court and opposing parties within sixty-three (63) days thereafter of a current
3 address, the Court may dismiss the action without prejudice for failure to prosecute.”
4 Additionally, Plaintiff was sent a first informational order, which stated that “[i]f mail directed
5 to a pro se plaintiff at the address of record is returned by the United States Postal Service as
6 undeliverable, the order will not be re-served a second time absent a notice of change of
7 address. If a pro se plaintiff’s address is not updated within sixty-three (63) days of mail being
8 returned as undeliverable, the case will be dismissed for failure to prosecute.” (ECF No. 4, p.
9 5).

10 Plaintiff was warned that a failure to notify the Court of a change of address would
11 result in dismissal of the case. Despite this warning, Plaintiff has failed to update his address as
12 required by Local Rule 183(b) and the first informational order. Without a current address,
13 there is no way for this case to proceed. Therefore, pursuant to Local Rule 183, and after
14 considering the relevant factors, the Court finds it appropriate to dismiss this case for failure to
15 prosecute and failure to obey the Local Rules. See Carey v. King, 856 F.2d 1439, 1440-42 (9th
16 Cir. 1988); Henderson v. Duncan, 779 F.2d 1421, 1423-25 (9th Cir. 1986).

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18 Accordingly, it is HEREBY ORDERED that:

- 19 1. This action is DISMISSED without prejudice for failure to prosecute and failure to
20 obey the Local Rules; and
21 2. The Clerk is directed to CLOSE this case.

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23 IT IS SO ORDERED.

24 Dated: January 11, 2017


25 SENIOR DISTRICT JUDGE
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