UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT WOOD, Petitioner, v. HEIDI LACKNER, CDCR SCC Warden, Respondent.	No. 1:15-cv-00945-DAD-SKO HC **FINDINGS AND RECOMMENDATION THAT THE COURT DISMISS THE CASE FOR FAILURE TO PROSECUTE** **(Doc. 1)**

Petitioner, Robert Wood, is a federal prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 7, 2018, the copy of the Court's Findings and Recommendations mailed to Petitioner was returned to the Clerk marked "Undeliverable, Inmate Discharged."

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 from the date of the return of the order mailed to Petitioner, Petitioner has failed to advise the Court of his current address or to

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

Conclusion and Recommendation

Accordingly, the undersigned RECOMMENDS that as a result of Petitioner's failure to prosecute the case, the Court dismiss with prejudice the motion for reconsideration in the above-captioned action.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C § 636(b)(1). Within **thirty (30) days** after being served with these Findings and Recommendations, Petitioner may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file objections within the specified time may constitute waiver of the right to appeal the District Court's order. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 ((9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **June 5, 2018**

/s/ *Sheila K. Oberto*
UNITED STATES MAGISTRATE JUDGE