



1 the order was returned by the U.S. Postal Service marked as “Undeliverable, Not in Custody.”  
2 On July 21, 2017, after petitioner failed to file a notice of change of address within the time  
3 period provided by Local Rule 183, the magistrate judge filed a second set of findings and  
4 recommendations recommending that petitioner’s motion for reconsideration be dismissed, with  
5 prejudice, due to petitioner’s failure to prosecute and that the court decline to issue a certificate of  
6 appealability. (Doc. No. 48.) The July 21, 2017 findings and recommendations provided that  
7 petitioner could file objections thereto within thirty days. (*Id.*) However, the service copy of  
8 those findings and recommendations were also returned to the court by the U.S. Postal Service  
9 marked as “Undeliverable, Return to Sender; Not Here.” In any event, petitioner has not filed  
10 objections to the pending findings and recommendation or otherwise notified the court of a  
11 change of address.

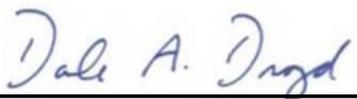
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), having carefully reviewed  
13 the entire file *de novo*, the court finds that the findings and recommendations are supported by the  
14 record. The court, however, declines to adopt the findings and recommendations insofar as they  
15 suggest denial of petitioner’s motion for reconsideration with prejudice. *See, e.g.*, Local Rule 183  
16 (stating that failure to notify the court of a current address may result in dismissal without  
17 prejudice).

18 Accordingly,

- 19 1. The July 21, 2017 findings and recommendations (Doc. No. 48) are adopted,  
20 consistent with the reasoning set forth in this order;
- 21 2. Petitioner’s motion for reconsideration (Doc. No. 46) is denied without prejudice; and<sup>1</sup>
- 22 3. The court declines to issue a certificate of appealability.

23 IT IS SO ORDERED.

24 Dated: September 12, 2017

25   
UNITED STATES DISTRICT JUDGE

26  
27 <sup>1</sup> The Clerk of the Court is accordingly directed to administratively terminate the April 13, 2017  
28 findings and recommendations (Doc. No. 47), as they have been rendered moot by this order.