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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY RAY BETTENCOURT,  
Plaintiff,  
v.  
PARKER, et al.,  
Defendants.

No. 1:16-cv-00150-KES-BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION FOR FAILURE TO PROSECUTE  
(Doc. 109)

Plaintiff Gary Ray Bettencourt is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On December 1, 2023, this case was temporarily reassigned to No District Court Judge (NODJ). Doc. 108. On December 15, 2023, the Court’s order reassigning the case was returned as “Undeliverable, Inactive.” Plaintiff’s notice of change of address was therefore due on or before February 16, 2024. L.R. 183(b). Plaintiff did not file a notice of change of address or otherwise communicate with the Court.

Accordingly, on February 29, 2024, the Magistrate Judge issued findings and recommendations, recommending dismissal of this action, without prejudice, based on Plaintiff’s failure to prosecute. Doc. 109. Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen days after service. *Id.* at 3. On March 14, 2024, the findings and recommendations served on Plaintiff’s address of record were returned as “Undeliverable, Inactive.” Pro se parties are “under a

1 continuing duty to notify the Clerk and all other parties of any change of address.” E.D. Cal. R.  
2 182(f). “Absent such notice, service of documents at the prior address of the . . . pro se party  
3 shall be fully effective.” *Id.* The findings and recommendations were served on Plaintiff’s  
4 address of record and contained notice that Plaintiff had fourteen days within which to file  
5 objections. Doc. 109 at 3.

6 No objections have been filed, and the deadline to do so has passed. Plaintiff has not  
7 otherwise communicated with the Court regarding this action.

8 In accordance with 28 U.S.C. § 636 (b)(1), this Court has conducted a de novo review of  
9 the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate  
10 Judge’s findings and recommendations are supported by the record and by proper analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendations issued on February 29, 2024, Doc. 109, are  
13 ADOPTED IN FULL;
- 14 2. This action is DISMISSED, without prejudice, due to Plaintiff’s failure to prosecute; and
- 15 3. The Clerk of the Court is directed to terminate all pending motions and close this case.

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18 IT IS SO ORDERED.

19 Dated: April 1, 2024

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UNITED STATES DISTRICT JUDGE