## 11 JAM

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JAMES SION SPRAGUE,

Petitioner,

ORDER GRANTING PETITIONER'S MOTION

FOR RE-SERVICE (Doc. 16)

ORDER DIRECTING CLERK OF COURT TO RE
SERVE DOCUMENTS (Doc. 13)

Respondents.

The instant petition was filed on February 22, 2016. (Doc. 1). On June 30, 2016, the Court issued Findings and Recommendations to dismiss the petition as untimely and gave the parties 21 days within which to file objections. (Doc. 13). On July 14, 2016, Petitioner filed a notice of change of address. (Doc. 14). The next day, Petitioner filed a motion for copies of orders and other documents that might have been served before he filed his change of address. (Doc. 16).

Because it appears that the Findings and Recommendations of June 30, 2016 were sent to Petitioner's old address, the Court will direct the Clerk of the Court to re-serve the documents. However, the Court notes that Petitioner has the responsibility to timely and diligently apprise the Court of his new mailing address as soon as practicable. Petitioner filed his notice of change of address approximately two weeks *after* the Court served the Findings and Recommendations on June 30, 2016. Thus, the Court can only conclude that Petitioner was not diligent in filing his change of address immediately or he actually received the Findings and Recommendations while still in prison

and somehow lost them. In either event, the Court reminds Petitioner that it will continue to serve Petitioner at the last known address on file. In future, his failure to do so will not delay completion of his case regardless of whether he claims that he didn't receive the Court's orders. **ORDER** For the foregoing reasons, the Court **ORDERS**: 1. Petitioner motion for re-service of documents (Doc. 16), is **GRANTED**. 2. The Clerk of the Court is DIRECTED to serve Petitioner with the June 30, 2016 Findings and Recommendations (Doc. 13), at his new address. IT IS SO ORDERED. /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: **August 4, 2016**