

1 Currently before the Court is Defendant’s request to re-serve Defendant’s motion for
2 summary judgment on Plaintiff at his correct mailing address. (ECF No. 22.) Defendant states
3 that on November 27, 2017, counsel for defendant received the motion for summary judgment
4 served on Plaintiff marked “Return to Sender, No Such Number, Unable to Forward, Return to
5 Sender.” After contacting the litigation coordinator at the institution where Plaintiff is currently
6 housed, defense counsel was informed that the correct P.O. Box number for Plaintiff is “5244,”
7 not “5243.” Pursuant to that information, Defendant seeks to re-serve the motion for summary
8 judgment to Plaintiff’s correct mailing address, and to re-set the deadline for Plaintiff’s
9 opposition based on the new service date. (Id.)

10 Although Plaintiff has not had an opportunity to respond to Defendant’s request, the Court
11 finds a response unnecessary, and the motion is deemed submitted. Local Rule 230(l).

12 Having considered the request, the Court finds good cause to permit re-service of the
13 motion for summary judgment on Plaintiff. The Court further finds that Plaintiff will not be
14 prejudiced by re-service of the motion, or by the extension of time to file his opposition.

15 In addition, Plaintiff is reminded that, pursuant to Local Rules 182 and 183, a pro se party
16 is under a continuing duty to notify the Clerk, the Court, and all other parties of any change of
17 address or telephone number. Local Rules 182(f), 183(b). Additionally, Local Rule 110 provides
18 that “[f]ailure . . . of a party to comply with these [Local] Rules or with any order of the Court
19 may be grounds for imposition by the Court of any and all sanctions . . . within the inherent
20 power of the Court.” It is Plaintiff’s responsibility to apprise the Court and Defendant of his
21 current mailing address, and to ensure that such address is accurate.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. Defendant’s request to re-serve Defendant’s motion for summary judgment on Plaintiff,
24 (ECF No. 22), is GRANTED;
- 25 2. Within **seven (7) days** from the date of service of this order, Defendant shall file written
26 notice with the Court confirming re-service of the motion for summary judgment, (ECF
27 No. 21), and the request to re-serve the motion for summary judgment, (ECF No. 22), to
28 Plaintiff at the following address:

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Albert Avalos
H-36513
P.O. Box 5244
Corcoran, CA 93212

- 3. Plaintiff's opposition to Defendant's motion for summary judgment is due within **twenty-one (21) days** from the date of re-service of Defendant's motion for summary judgment;
- 4. Within **fourteen (14) days** from the date of service of this order, Plaintiff shall file written notice to the Court confirming his current mailing address; and
- 5. The Clerk of the Court is DIRECTED to serve this order on Plaintiff at his current address of record and at the following address:

Albert Avalos
H-36513
P.O. Box 5244
Corcoran, CA 93212

IT IS SO ORDERED.

Dated: November 30, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE