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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENO E. WOODIS,

 Petitioner,

 v.

WARDEN,

 Respondent.

Case No. 1:16-cv-01660-AWI-SKO HC

FINDINGS AND RECOMMENDATION
THAT THE COURT DISMISS THE
PETITION FOR FAILURE TO PROSECUTE

On July 1, 2016, Petitioner Deno E. Woodis filed a petition for writ of habeas corpus in the U.S. District Court for the Central District of California. The petition was transferred to the Eastern District on November 3, 2016. On November 9, 2016, the copy of an order mailed to Petitioner was returned to the Clerk marked "undeliverable, no such name."

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 contacted the Court in any other way.

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

4 **Conclusion and Recommendation**

5 Accordingly, the undersigned RECOMMENDS that as a result of Petitioner's failure to
6 prosecute the case, the Court dismiss, without prejudice, the petition for writ of habeas corpus in the
7 above-captioned action .

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9 These Findings and Recommendations will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C § 636(b)(1). Within **thirty (30) days**
11 after being served with these Findings and Recommendations, Petitioner may file written objections
12 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
13 Recommendations." Petitioner is advised that failure to file objections within the specified time may
14 constitute waiver of the right to appeal the District Court's order. *Wilkerson v. Wheeler*, 772 F.3d
15 834, 839 ((9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).
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18 IT IS SO ORDERED.

19 Dated: **January 29, 2017**

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