## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JERRY WAYNE BAYS,

Plaintiff,

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T. CALHOUN, et al.,

Defendants.

Case No. 1:16-cv-01780-DAD-MJS (PC)

FINDINGS AND RECOMMENDATIONS
TO DISMISS ACTION FOR FAILURE TO
PROVIDE A CURRENT ADDRESS

Plaintiff is a former state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. On November 23, 2016, the Court granted Plaintiff's application to proceed in forma pauperis. (ECF No. 5.) On December 5, 2016, the Court's order was returned as "Undeliverable, Paroled." Plaintiff since has not provided the Court with a current address.

Local Rule 183(b) requires a party proceeding pro se to keep the Court apprised of his 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." Here, more than sixty-three days have passed without Plaintiff providing the Court with a current address.

Accordingly, it is HEREBY RECOMMENDED that the action be DISMISSED WITHOUT PREJUDICE, based on Plaintiff's failure to provide a current address.

The findings and recommendation are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days after being served with the findings and recommendation, any party may file written objections with the Court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendation." Any reply to the objections shall be served and filed within fourteen (14) days after service of the objections. The parties are advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: February 14, 2017

1st Michael J. Seng UNITED STATES MAGISTRATE JUDGE