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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL TREBAS,
Petitioner,
v.
BRANDON PRICE,
Respondent.

Case No. 1:17-cv-00265-MJS (HC)

ORDER REQUIRING RESPONDENT TO RE-SERVE MOTION TO DISMISS ON PETITIONER WITHIN SEVEN (7) DAYS

Petitioner is a former civil detainee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 21, 2017, Respondent filed a motion to dismiss the petition as moot. (ECF No. 13.) On July 10, 2017, Petitioner filed "Objections to Respondent's Ex Parte Items." (ECF No. 15.) Therein, Petitioner states that he did not receive Respondent's motion to dismiss. He received only Respondent's Notice of Lodging Documents in Paper. Petitioner also provides a change of address.

The motion to dismiss includes a declaration of service indicating that it was served on Petitioner at his address of record on June 21, 2017. (ECF No. 13-1.) To the extent Petitioner implies that the motion was never sent, the Court points out that mail sent to Petitioner at his address of record, including his non-custodial address, was

1 returned as undeliverable on more than one occasion. Plaintiff is reminded of his
2 obligation to provide the Court and Respondent with his current address. Local Rule
3 182(f). Service at Petitioner's address of record is deemed effective. Id. Furthermore,
4 failure to provide the Court with a current address may result in dismissal of the action.
5 Local Rule 183(b).

6 In order to provide Petitioner an opportunity to respond to the motion, the Court
7 will require Respondent to re-serve the motion on Petitioner at his updated address.
8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Within seven (7) days of service of this order, Respondent shall re-
10 serve the motion on Petitioner at his updated address;
- 11 2. Within thirty (30) days of service of this order, Petitioner shall file an
12 opposition or statement of non-opposition to the motion;
- 13 3. Any reply shall be filed within seven (7) days of service of Petitioner's
14 opposition.

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16 IT IS SO ORDERED.

17 Dated: July 12, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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