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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY L. ROBINSON,  
Plaintiff,

v.

DAVE DAVEY, et al.,  
Defendants.

No. 1:17-cv-01524-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION TO REOPEN CASE

(Doc. Nos. 88, 90)

Plaintiff Anthony L. Robinson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On December 2, 2021, this action was dismissed without prejudice due to plaintiff’s failure to prosecute and failure to keep the court apprised of his current mailing address. (Doc. No. 86.) Thereafter, on January 3, 2022, plaintiff filed a motion for extension of time, which the assigned magistrate judge construed as a motion to reopen this case. (Doc. No. 88.) On January 6, 2022, the court issued findings and recommendations, recommending that plaintiff’s motion to reopen this case be denied because plaintiff failed to present “any basis under Rule 60 for reopening his case.” (Doc. No. 90 at 2.) On February 2, 2022, plaintiff filed objections to the findings and recommendations. (Doc. No. 91.)

1 In his objections, plaintiff notes that he filed a motion for an extension of time and a  
2 notice of address change with the court on December 16, 2021, but provides no explanation for  
3 his delay in filing either the motion for extension of time or the notice of his address change. (*Id.*  
4 at 2.) Local Rule 183(b) permits the court to dismiss an action if a plaintiff appearing *in propria*  
5 *persona* fails to notify the court within sixty-three (63) days of an address change. As the  
6 magistrate judge noted, “more than eighty (80) days passed between the time [p]laintiff’s mail  
7 was returned to the court and his case was dismissed for failure to prosecute. Moreover, more  
8 than thirty (30) additional days passed after the dismissal before [p]laintiff notified the court of  
9 his current address.” (Doc. No. 90 at 2.) Furthermore, plaintiff has not provided any reason to  
10 reopen the case. As stated in the pending findings and recommendations, this action was  
11 dismissed without prejudice and plaintiff may file a new complaint if he seeks to pursue his  
12 claims at this time.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
14 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,  
15 including plaintiff’s objections, the court finds the findings and recommendations to be supported  
16 by the record and proper analysis.

17 Accordingly,

- 18 1. The findings and recommendations (Doc. No. 90) issued on January 6, 2022 are  
19 adopted in full; and
- 20 2. Plaintiff’s motion to reopen this case (Doc. No. 88) is denied.

21 IT IS SO ORDERED.

22 Dated: February 10, 2022

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25 UNITED STATES DISTRICT JUDGE  
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