

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEONTRAY THOMAS.

Plaintiff.

V.

JAIME OROZCO, *et al.*,

Defendants.

Case No. 1:18-cv-00191-JDP

**FINDINGS AND RECOMMENDATIONS
THAT THE COURT DISMISS THIS CASE
WITHOUT PREJUDICE FOR FAILURE TO
PROSECUTE**

ECF No. 1

OBJECTIONS DUE IN 14 DAYS

Plaintiff is a former inmate at Kern County Jail proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. On September 10, 2018, we ordered plaintiff to show cause why his case should not be dismissed. ECF No. 8. On October 3, 2018, that order was returned to the court as undeliverable with the following notation: “Undeliverable, Not in Custody.”

Plaintiff has an obligation to keep the court apprised of his current address. Local Rule 183(b) provides, “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.” Under Local Rule 183(b), plaintiff’s notice of address

1 change was due by December 5, 2018, but he failed to file one. Accordingly, we recommend
2 dismissal without prejudice.

3 **Order**

4 The clerk of court is directed to assign this case to a district judge who will review the
5 findings and recommendations.

6 **Findings and Recommendations**

7 The court recommends that the case be dismissed without prejudice for plaintiff's failure
8 to prosecute under Local Rule 183(b).

9 These findings and recommendations are submitted to the U.S. district judge presiding
10 over the case under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within 14 days of the service
11 of the findings and recommendations, the parties may file written objections to the findings and
12 recommendations with the court and serve a copy on all parties. That document must be
13 captioned "Objections to Magistrate Judge's Findings and Recommendations." The presiding
14 district judge will then review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

15
16 IT IS SO ORDERED.

17 Dated: February 27, 2019

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19 UNITED STATES MAGISTRATE JUDGE

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21 No. 204
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