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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DEONTRAY THOMAS,

12 Plaintiff,

13 v.

14 JAIME OROZCO, *et al.*,

15 Defendants.  
16  
17

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

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

23 Plaintiff has an obligation to keep the court apprised of his current address. Local Rule  
24 183(b) provides, “If mail directed to a plaintiff *in propria persona* by the Clerk is returned by  
25 the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within  
26 sixty-three (63) days thereafter of a current address, the Court may dismiss the action without  
27 prejudice for failure to prosecute.” Under Local Rule 183(b), plaintiff’s notice of address  
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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).

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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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