

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL ALLEN LAURY,
Plaintiff,
v.
MOTL, et al.,
Defendants.

Case No. 1:18-cv-00333-BAM (PC)
**ORDER TO FILE CHANGE OF ADDRESS
OR SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**
THIRTY (30) DAY DEADLINE
**ORDER DIRECTING CLERK’S OFFICE TO
RE-SERVE MARCH 23, 2018 ORDER ON
PLAINTIFF**

Plaintiff Daniel Allen Laury (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on March 9, 2018.

On March 23, 2018, the Court issued an order granting Plaintiff’s motion to proceed *in forma pauperis*. (ECF No. 8.) On April 2, 2018, Plaintiff filed a consent to United States Magistrate Judge jurisdiction. (ECF No. 9.)

Also on April 2, 2018, the Court’s March 23, 2018 order was returned as “Undeliverable, No Such Number.” That order was mailed to Plaintiff’s current address of record, which is listed on the complaint as CSATF/State Prison at Corcoran, P.O. Box 1050, Corcoran, CA 93212. (ECF No. 1, p. 1.)

///

1 Pursuant to Local Rules 182 and 183, a pro se party is under a continuing duty to notify
2 the Clerk, the Court and all other parties of any change of address or telephone number. Local
3 Rules 182(f), 183(b). Additionally, Local Rule 110 provides that “[f]ailure . . . of a party to
4 comply with these [Local] Rules or with any order of the Court may be grounds for imposition by
5 the Court of any and all sanctions . . . within the inherent power of the Court.” Further, the failure
6 of Plaintiff to prosecute this action is grounds for dismissal. In re Phenylpropanolamine (PPA)
7 Products Liability Litigation, 460 F.3d 1217 (9th Cir. 2006).

8 It appears that Plaintiff has provided an invalid mailing address to the Court. However, as
9 Plaintiff has filed his consent to Magistrate Judge jurisdiction, the Court finds that Plaintiff still
10 intends to prosecute this action.

11 Based on a review of the documents attached to the complaint, the Court notes that
12 Plaintiff’s mailing address was California Substance Abuse Treatment Facility and State Prison at
13 Corcoran, P.O. Box 7100, Corcoran, CA 93212-7100 as recently as January 22, 2018. (ECF No.
14 1, p. 5.) Therefore, the Court finds it appropriate to re-serve the order granting Plaintiff’s motion
15 to proceed *in forma pauperis* and to serve the instant order on Plaintiff at that address and
16 Plaintiff’s current address of record. Plaintiff remains responsible for providing the Court with a
17 correct mailing address for the service of future orders.

18 Accordingly, it is HEREBY ORDERED as follows:

- 19 1. The Clerk of the Court is DIRECTED to serve the Court’s March 23, 2018 order
20 granting Plaintiff’s motion to proceed *in forma pauperis*, (ECF No. 8), and the instant
21 order on Plaintiff at the following address:

22 Daniel Laury, K90424
23 California Substance Abuse Treatment Facility and State Prison at Corcoran
24 P.O. Box 7100
25 Corcoran, CA 93212-7100

- 26 2. Plaintiff shall show cause in writing, within **thirty (30) days** from the date of service
27 of this order, why this action should not be dismissed, without prejudice, for failure to
28 prosecute;

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Plaintiff can comply with this order to show cause by filing a notice informing the Court of his current address;
4. **The failure to respond to this order will result in dismissal of this action, without prejudice, for failure to prosecute.**

IT IS SO ORDERED.

Dated: April 4, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE