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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHAUNDELLE DIAL,  
Plaintiff,  
  
v.  
  
ANDRE MATEVOUSION, *et al.*,  
Defendants.

Case No. 1:18-cv-00679-JDP  
  
FINDINGS AND RECOMMENDATIONS THAT  
THE COURT DISMISS THE CASE FOR  
PLAINTIFF’S FAILURE TO PROSECUTE  
  
ORDER TO ASSIGN CASE TO DISTRICT  
COURT JUDGE  
  
FOURTEEN-DAY DEADLINE

Plaintiff is a federal prisoner proceeding without counsel in this civil rights action brought under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). On July 26, 2018, the court issued an order granting plaintiff’s application to proceed *in forma pauperis*. ECF No. 19. On August 8, 2018, that order was returned to the court as undeliverable with the following notation: “Undeliverable, Not Deliverable as Addressed, Unable to Forward.”

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

1 prejudice for failure to prosecute.” Under Local Rule 183(b), plaintiff’s notice of address  
2 change was due by October 10, 2018, but he failed to file one. Accordingly, the court will  
3 recommend dismissal without prejudice.

4 **Order**

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

7 **Findings and Recommendations**

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

10 The undersigned submits the findings and recommendations to the district judge  
11 presiding over this case under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of  
12 Practice for the United States District Court, Eastern District of California. Within 14 days of  
13 the service of the findings and recommendations, plaintiff may file written objections to the  
14 findings and recommendations with the court and serve a copy on all parties. That document  
15 should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The  
16 district judge will review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).  
17 Plaintiff’s failure to file objections within the specified time may result in the waiver of rights  
18 on appeal. *See Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).

19  
20 IT IS SO ORDERED.

21 Dated: November 1, 2018

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23 UNITED STATES MAGISTRATE JUDGE

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