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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-DAD-JDP
ORDER VACATING FINDINGS AND
RECOMMENDATIONS THAT THE COURT
DISMISS THE CASE FOR PLAINTIFF'S
FAILURE TO PROSECUTE

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 motion to proceed *in forma pauperis*. ECF No. 19. This order was returned to the court marked "Undeliverable, Not Deliverable as Address, Unable to Forward." Accordingly, on November 2, 2018, the court issued findings and recommendations to dismiss this case for plaintiff's failure to prosecute under Local Rule 183(b). ECF No. 20; *see* E.D. Cal. Local Rule 183(b) ("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.").

On November 19, 2018, plaintiff filed objections to the court's findings and

1 recommendations. ECF No. 21. In them, plaintiff states that he “sent . . . a change of address to
2 the courts on June 4, 2018” and that he has “already received a copy of the court’s order granting
3 [his] application to proceed in forma pauperis.” *Id.* at 1.

4 In view of this filing, plaintiff appears to have complied with Local Rule 183(b), and the
5 court will vacate the findings and recommendations issued on November 2, 2018. The court will
6 screen plaintiff’s complaint filed on January 24, 2018. ECF No. 9.

7 **ORDER**

8 Accordingly, the findings and recommendations issued on November 2, 2018, ECF No.
9 20, are vacated.

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11 IT IS SO ORDERED.

12 Dated: March 14, 2019


UNITED STATES MAGISTRATE JUDGE

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