

1 In light of plaintiff's failure to file a third amended complaint, on November 25, 2020, the
2 assigned magistrate judge issued findings and recommendations recommending that this action be
3 dismissed based on plaintiff's failure to state a claim upon which relief may be granted. (Doc.
4 No. 17.) The findings and recommendations were mailed on the date they were issued to plaintiff
5 at his address of record and contained notice that any objections thereto were to be filed within
6 fourteen (14) days after service. (*Id.* at 2.) Once again, the findings and recommendations were
7 returned to the court by the U.S. Postal Service on December 11 and 14, 2020 with a notation
8 indicating that plaintiff had been released on parole. To date, plaintiff has still not filed a notice
9 of change of address with this court as required nor has he communicated with the court in any
10 way.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
12 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
13 court adopts the findings and recommendations to the extent that they recommend dismissal of
14 this action. The court declines to address whether the second amended complaint states a
15 cognizable claim and instead finds dismissal is warranted based on plaintiff's failure to provide
16 an updated address to the court.

17 Local Rules 182(f) and 183(b) require a party proceeding *pro se* and *in propria persona* to
18 keep the court apprised of his current address. Absent such notice, service at the party's prior
19 address is fully effective. Local Rule 182(f). Furthermore, "[i]f mail directed to a plaintiff *in*
20 *propria persona* by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to
21 notify the Court and opposing parties within sixty-three (63) days thereafter of a current address,
22 the Court may dismiss the action without prejudice for failure to prosecute." Local Rule 183(b).
23 Here, more than sixty-three days have passed since the November 25, 2020 findings and
24 recommendations were returned to the court as undeliverable, and plaintiff has not notified the
25 court of a change of his address of record.

26 Accordingly,

27 1. The findings and recommendations issued on November 25, 2020 (Doc. No. 17),
28 recommending that this action be dismissed is adopted;

1 2. This action is dismissed based on plaintiff's failure to provide an updated address
2 to the court; and

3 3. The Clerk of Court is directed to assign a district judge to this case for the purpose
4 of closure and then to close this case.

5 IT IS SO ORDERED.

6 Dated: May 6, 2021



UNITED STATES DISTRICT JUDGE

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