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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	LONNELL B. DIGGS,	No. 1:19-cv-00766-NONE-GSA (PC)	
12	Plaintiff,		
13	V.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN PART AND	
14	JOHN DOE, et al.,	DIRECTING CLERK OF COURT TO ASSIGN DISTRICT JUDGE AND CLOSE	
15	Defendants.	CASE	
16		(Doc. No. 17)	
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18	Plaintiff Lonnell B. Diggs is a state prisoner proceeding pro se and in forma pauperis in		
19 20	this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States		
20	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
21	On October 2, 2020, the assigned magistrate judge screened plaintiff's second amended		
22	complaint pursuant to 28 U.S.C. § 1915 and dismissed it for failure to state a claim. (Doc. No.		
23 24	15.) Plaintiff was granted leave to file a third amended complaint within thirty (30) days		
24 25	thereafter. (Id. at 13.) The order was mailed on the date it was issued to plaintiff at his address of		
23 26	record. However, on October 16, 2020, the screening order was returned to the court by the U.S.		
20 27	Postal Service with a notation indicating that plaintiff had been paroled.		
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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 at his address of record and contained notice that any objections thereto were to be filed within 5 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.

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

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Accordingly,

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

1	2.	This action is dismis	sed based on plaintiff's failure to provide an updated address
2	to the court; and		
3	3.	The Clerk of Court i	s directed to assign a district judge to this case for the purpose
4	of closure a	nd then to close this cas	e.
5	IT IS SO OI	RDERED.	
6	Dated	May 6, 2021	Dale A. Dragd
7	Dated.	TIANY VI AVAL	UNITED STATES DISTRICT JUDGE
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