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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALFRED ARROYOS,  
Plaintiff,  
v.  
SALLY D. MORENO, et al.,  
Defendants.

No. 1:19-cv-01576-DAD-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DISMISSING THIS ACTION

(Doc. Nos. 6, 8)

Plaintiff Alfred Arroyos is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 18, 2019, the assigned magistrate judge issued a screening order finding that plaintiff's complaint failed to state a cognizable claim and granting plaintiff leave to file an amended complaint within thirty (30) days of the screening order. (Doc. No. 5.) However, plaintiff did not respond in any way to that screening order.

Accordingly, on December 23, 2019, the magistrate judge issued findings and recommendations recommending dismissal of this action due to plaintiff's failure to state a claim upon which relief can be granted, failure to comply with a court order, and failure to prosecute. (Doc. No. 6.) The findings and recommendations were served on plaintiff and contained notice

1 that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 20.) On  
2 January 7, 2020, the findings and recommendations were returned to the court by the U.S. Postal  
3 Service as undeliverable with a notation indicating that plaintiff was no longer in custody. As  
4 such, on March 16, 2020, the magistrate judge issued findings and recommendations  
5 recommending this action be dismissed due to plaintiff's failure to provide the court with a  
6 current address, failure to prosecute, and failure to comply with a court order. (Doc. No. 8.)  
7 Those findings and recommendations were served on plaintiff and contained notice that any  
8 objections thereto were to be filed within thirty (30) days after service. (*Id.* at 6.) On March 25,  
9 2020, the findings and recommendations were also returned to the court as undeliverable.<sup>1</sup>

10 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
11 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
12 court finds the findings and recommendations to be supported by the record and proper analysis.

13 Accordingly,

- 14 1. The recommendation of the findings and recommendations issued on December  
15 23, 2019 (Doc. No. 6) that this action be dismissed is adopted;
- 16 2. The findings and recommendations recommending dismissal of this action issued  
17 on March 16, 2020 (Doc. No. 8) are rendered moot by this order and are  
18 terminated;

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19  
20 <sup>1</sup> The December 23, 2019 findings and recommendations were returned to the court by the U.S.  
21 Postal Service as "Undeliverable, Not in Custody," while the March 16, 2020 findings and  
22 recommendations were returned to the court as "Undeliverable, Attempted – Not Known." Local  
23 Rule 183(b) provides that

24 [a] party appearing *in propria persona* shall keep the Court and  
25 opposing parties advised as to his or her current address. If mail  
26 directed to a plaintiff *in propria persona* by the Clerk is returned by  
27 the U.S. Postal Service, and if such plaintiff fails to notify the Court  
28 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.

27 The court notes that it has been over sixty-three days since the December 23, 2019 findings and  
28 recommendations were returned to the court as undeliverable, and plaintiff has not notified the  
court of a change of his address of record.

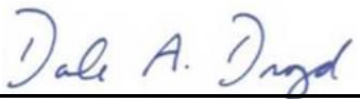
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3. This action is dismissed due to plaintiff's failure to provide the court with an updated address, failure to prosecute and failure to comply with court orders; and

4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: April 27, 2020

  
UNITED STATES DISTRICT JUDGE