

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL D. CLEMONS,)	Case No.: 1:22-cv-0127 JLT SAB (PC)
Plaintiff,)	
v.)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DISMISSING
WARDEN,)	ACTION WITHOUT PREJUDICE
)	
Defendant.)	(Doc. 11)
)	
)	
)	

Michael D. Clemons is a prisoner proceeding *pro se*. The Court ordered Plaintiff to pay the filing fee or submit an application to proceed in this action *in forma pauperis* within 45 days from the date of service of the Court’s order. (Doc. 7.) After Plaintiff failed to do so, the magistrate judge ordered him to show cause why the action should not be dismissed for his failure to comply with the Court’s order and the failure to prosecute this action. (Doc. 8.)

When Plaintiff did respond to the Court’s order, the magistrate judge found Plaintiff failed to prosecute the action and recommended dismissal on April 21, 2022. (Doc. 11.) When served at Plaintiff’s address of record, the Findings and Recommendations was returned as undeliverable on May 10, 2022. To date, Plaintiff has not filed a Notice of Change of Address or taken any other action to prosecute his claims.

Notably, by failing to provide a Notice of Change of Address, Plaintiff has also failed to comply with Local Rule 183(b), which requires parties “appearing in propria persona [to] keep the

1 Court and opposing parties advised as to his or her current address,” and to notify the Court of an
2 address change within 63 days. *See* Local Rule 183(b).)

3 According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the case.
4 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations
5 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on April 21, 2022 (Doc. 11), are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice.
- 9 3. The Clerk of Court is directed to close this action.

10
11 IT IS SO ORDERED.

12 Dated: July 22, 2022


UNITED STATES DISTRICT JUDGE