

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH I. EDMONTON,

Petitioner,

vs.

THE STATE OF CALIFORNIA,

Respondent.

No. 2:04-cv-02578-JKS

ORDER OF DISMISSAL

Petitioner Kenneth I. Edmonton, a state Sexually Violent Predator detainee proceeding *pro se*, has filed a petition for habeas corpus relief under 28 U.S.C. § 2254. At the time Edmonton filed this petition he was in the custody of the California Department of Mental Health, civilly committed under the California Sexually Violent Predator Act at the Atascadero State Hospital. Subsequently, Edmonton was moved to the Coalinga State Hospital,¹ which is his last known address.

On October 30, 2009, the Order of Reassignment was mailed to Edmonton at his Coalinga State Hospital address. On November 13, 2009, the mail was returned as undeliverable, addressee not known. This Court further notes that subsequent to the filing of the petition initiating this proceeding, Edmonton filed a similar petition for habeas corpus relief in this Court,² of which this Court takes judicial notice.³ Mail in that case, also addressed to

¹ Docket No. 18.

² *Edmonton v. People of the State of California*, Case No. 2:05-cv-00855-LKK-CMK.

³ Fed. R. Evid. 201.

Edmonton at his Coalinga State Hospital address, was returned as undeliverable.⁴ Because the mail was undeliverable, the action in Case No. 2:05-cv-00855-LKK-CMK was dismissed without prejudice on August 31, 2009.⁵ Service of the judgment of dismissal in Case No. 2:05-cv-00855-LKK-CMK was also returned as undeliverable on September 16, 2009.

It is the responsibility of a party to keep the court apprised of his or her current address at all times. Service of documents at the address of record of a party is fully effective.⁶ Dismissal has been held to be an appropriate sanction for failure to inform the district court and parties of a change of address, as required by local rules.⁷

IT IS THEREFORE ORDERED THAT, the petition for a writ of habeas corpus under 28 U.S.C. § 2254 is **DISMISSED**, without prejudice.

The Clerk of the Court to enter judgment accordingly.

Dated: December 16, 2009.

/s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge

⁴ The Docket in Case No. 2:05-cv-00855-LKK-CMK shows that mail was returned as undeliverable on June 19, 2009, and July 23, 2009.

⁵ Case No. 2:05-cv-00855-LKK-CMK, Docket No. 58.

⁶ Local Rule 83-182(d).

⁷ See *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (per curiam).