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

MICHAEL A.W. BJORLIN,

Petitioner,

No. CIV S-05-2095 GEB CHS P

vs.

ARNOLD SCHWARZENEGGER, et al.,

Respondents.

FINDINGS AND RECOMMENDATIONS

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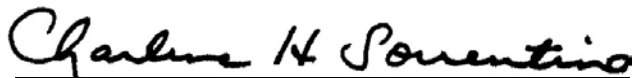
Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He stands convicted of attempted murder, for which he was sentenced to serve seven years to life in state prison. The pending petition challenges the March 2, 2005 decision of the Board of Parole Hearings finding petitioner unsuitable for parole. On July 10, 2009, the court’s order reassigning this case for further proceedings was returned as undeliverable. On July 14, 2009, each party was ordered to file a brief statement addressing petitioner’s custodial status within 20 days. This order, served to petitioner by mail on July 15, 2009, was returned as undeliverable on August 6, 2009; petitioner did not file a statement or otherwise respond. Respondent filed a statement on August 3, 2009, indicating that petitioner was released to parole on January 31, 2008.

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1 Under Local Rule 83-182(f), service of the above orders to petitioner's address of  
2 record must be considered fully effective. *Id.* Petitioner has failed to comply with the court's  
3 order of July 14, 2009 and also with Local Rule 83-183(b), under which he has a continuing  
4 obligation to inform the court of any change of address. This court has the authority to dismiss  
5 an action for noncompliance with the Local Rules or any order of the court. *See* Local Rule 11-  
6 110 (E.D. Cal. 2008). Because it appears in this case that there is no less drastic sanction  
7 available, it is recommended that petitioner's application for writ of habeas corpus be dismissed.  
8 *See Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (“[a]n order to show cause why dismissal  
9 is not warranted or an order imposing sanctions would only find itself taking a round trip tour  
10 through the United States mail.”).

11 Based on the foregoing, IT IS HEREBY RECOMMENDED that this action be  
12 dismissed for petitioner's failure to keep the court apprised of his current address and failure to  
13 comply with the court's order of July 14, 2009. This recommendation is submitted to the United  
14 States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).  
15 Within twenty days after being served with these findings and recommendations, any party may  
16 file written objections with the court and serve a copy on all parties. Such a document should be  
17 captioned “Objections to Magistrate Judge's Findings and Recommendations.” Any reply to the  
18 objections shall be served and filed within ten days after service of the objections. The parties  
19 are advised that failure to file objections within the specified time may waive the right to appeal  
20 the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: September 16, 2009.

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23 CHARLENE H. SORRENTINO  
24 UNITED STATES MAGISTRATE JUDGE  
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