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

BYRON AMES,

Petitioner,

No. CIV S-08-0952 FCD EFB P

vs.

BUREAU OF PRISONS,

Respondent.

FINDINGS AND RECOMMENDATIONS

_____/

Petitioner, a federal prisoner without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges the execution of his sentence. Accordingly, on June 22, 2010, the court issued an order to petitioner to show cause why the case should not be transferred to the U.S. District Court for the Northern District of California, which is located in the geographic territory in which his sentence is being executed. Dckt. No. 8. On June 28, 2010, the postal service returned the order directed to petitioner as “undeliverable, unable to forward.”

A party appearing without counsel must keep the court and all parties apprised of his current address. L.R. 183(b). If mail directed to such a petitioner is returned by the postal service and petitioner fails to notify the court and opposing parties within 63 days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.* More than 63 days have passed since the postal service returned the mail and petitioner has

1 not notified the court of his current address.

2 Accordingly, it is hereby RECOMMENDED that this action be dismissed. *See* Fed. R.
3 Civ. P. 41(b); L. R. 110, 183(b).

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
9 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). In
11 his objections petitioner may address whether a certificate of appealability should issue in the
12 event he files an appeal of the judgment in this case. *See* Rule 11, Federal Rules Governing
13 Section 2254 Cases (the district court must issue or deny a certificate of appealability when it
14 enters a final order adverse to the applicant).

15 DATED: September 8, 2010.

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17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE
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