(PC) Turner v	7. Rodgers Doc. 36
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5	UNITED STATES DISTRICT COURT
6	FOR THE EASTERN DISTRICT OF CALIFORNIA
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8	LEONARD TURNER,)
9	Plaintiff,) Case No. 2:08-cv-01296-PMP-GWF
10	vs.) <u>ORDER</u>
11	RODGERS,
12	Defendant.
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14	On November 25, 2009, the Court issued an Order screening Plaintiff's Amended Civil Rights
15	Complaint and allowing Plaintiff to proceed with this action based on his Eighth Amendment claims.
16	(Dkt. #35). The Clerk of the Court served the Court's order on Plaintiff via U.S. mail. (See Nov. 25,
17	2009 Docket Entry). However, on December 4, 2009, the notification regarding the Court's order was
18	returned as undeliverable. (See Dec. 4, 2009 Docket Entry). Purguent to Legal Puls 82, 182(b) 2, a party approximation was not "abolt bear the Court and
19 20	Pursuant to Local Rule 83-183(b)-2, a party appearing <i>pro per</i> "shall keep the Court and opposing parties advised as to his or her current address". If mail directed to a plaintiff <i>pro per</i> by the
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22	Clerk is returned "and if such plaintiff fails to notify the Court and opposing parties within sixty (60) days thereafter of a current address, the Court may dismiss the action without prejudice for
23	failure to prosecute." <i>Id.</i> To date, 88 days have passed since notification regarding the Court's order
24	was returned as undeliverable and Plaintiff has failed to inform the Court of a change in address.
25	Accordingly,
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IT IS HEREBY ORDERED that Plaintiff's Amended Civil Rights Complaint (Dkt. #34) is **dismissed** without prejudice based on Plaintiff's failure to inform the Court of a change in address. Plaintiff will have **30 days** from the date that this Order is entered to file a second amended complaint and inform the Court of his current address. Failure to comply with this Order will result in the recommendation that this action be dismissed.

DATED this 1st day of March, 2010.

GEORGE FOLEY, JR.

UNITED STATES MAGISTRATE JUDGE