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

LILIAN SIMONIS, et al.,

No. CIV S-09-0446-LKK-CMK

Plaintiffs,

vs.

FINDINGS AND RECOMMENDATIONS

ERIC MAGRINI,

Defendant.

_____ /

Plaintiffs, who are proceeding pro se, bring this civil action. This action was stayed on February 20, 2009, in light of defendant’s notice of bankruptcy filing. On June 29, 2011, the court directed defendant to submit a report on the status of his bankruptcy proceedings. A copy of that order was served on plaintiffs. The order, however, was returned as undeliverable as to both plaintiffs on July 12, 2011. Plaintiffs have not filed a change of address in this case.

Under Eastern District of California Local Rule 182(f), parties are under a continuing duty to notify the Clerk of the Court and all other parties of any change of address. Absent such notice, service at the address of record is fully effective. Under Eastern District of California Local Rule 183(b), when mail directed to a pro se plaintiff is returned the court may dismiss the action without prejudice for failure to prosecute unless a change of address is

1 properly served and filed within 63 days of the mail being returned. Such has not happened in
2 this case and the court finds that dismissal is appropriate.

3 Based on the foregoing, the undersigned recommends that this action be dismissed
4 without prejudice for lack of prosecution and failure to comply with local rules and orders.

5 These findings and recommendations are submitted to the United States District
6 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court. Responses to objections shall be filed within 14 days after service of
9 objections. Failure to file objections within the specified time may waive the right to appeal.
10 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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12 DATED: October 11, 2011

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
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