

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MICHAEL JACKSON,

Plaintiff,

No. 2:09-cv-2911-DAD P

vs.

JOHN W. HAVILAND, et al.,

Defendants.

ORDER

_____ /

A recent court order was served on plaintiff's address of record and returned by the U.S. Postal Service as undeliverable.¹ On August 15, 2012, counsel for defendant Herrera advising the court that he believes plaintiff's current address is 2421 Lowell Street, Apt. C, Richmond, CA 94804, based on a voice mail message his office received from plaintiff on June 19, 2012. Counsel's office sent plaintiff a copy of the court's order filed on August 3, 2012.

It appears that plaintiff has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court of any address change. The

¹ That order advised plaintiff once again of the requirements for opposing a motion for summary judgment brought pursuant to Fed. R. Civ. P. 56, such as that pending before the court on behalf of defendant Herrera. See Woods v. Carey, 684 F.3d 934, 938-40 (9th Cir. 2012); Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc); Klinge v. Eikenberry, 849 F.2d 409 (9th Cir. 1988).

1 court will direct the Clerk of the Court to serve this order on plaintiff at his address of record, as
2 well as, the Richmond address set forth above and to provide plaintiff with a copy of the court's
3 August 3, 2012 order. The court will also order plaintiff to file his supplemental opposition, if
4 any, to defendant Herrera's pending motion for summary judgment or a statement that no
5 supplemental opposition will be filed, as well as a notice of change of address.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Within seven days from the service of this order, plaintiff shall file his notice
8 of change of address;

9 2. Within seven days from the service of this order, plaintiff shall serve and file
10 his supplemental opposition to defendant Herrera's motion for summary judgment, or a statement
11 that no supplemental opposition will be filed; defendant's supplemental reply, if any, shall be
12 filed within seven days after service of plaintiff's supplemental opposition;

13 3. The Clerk of the Court is directed to serve a copy of this order and the court's
14 August 3, 2012 order on plaintiff's address of record and also on plaintiff at 2421 Lowell Street,
15 Apt. C, Richmond, CA 94804; and

16 4. Plaintiff's failure to comply with this order will result in the dismissal of this
17 action.

18 DATED: August 22, 2012.

19
20 
21 _____
22 DALE A. DROZD
23 UNITED STATES MAGISTRATE JUDGE

21 DAD: 4
22 jack2911.fca