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

WAYNE ALLEN,

Plaintiff,

No. 2:10-cv-0388 GEB KJN P

vs.

W. WOOD, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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On October 4, 2011, this court granted defendants’ motion to extend the discovery and dispositive motion deadlines in this action, due to defendants’ inability to locate plaintiff. Defendants’ counsel filed a declaration stating that she was informed on September 12, 2011, by the Litigation Coordinator at the Sierra Conservation Center (“SCC”), plaintiff’s last known address, that plaintiff was paroled on September 2, 2011. (Dkt. No. 44 at 4.) The court granted defendants’ request to extend deadlines, and directed plaintiff to file a notice of change of address within 21 days after service of the order. (Dkt. No. 45 at 1.) Plaintiff was informed that “[f]ailure to do so [file a notice of change of address] will result in a recommendation that this action be dismissed. See Local Rules 182(f); 110; 183.” (Id.) The court’s order was necessarily and properly served on plaintiff at his last known address, SCC. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1           The twenty-one day period has now expired, and plaintiff has not responded to the  
2 court's order. It is plaintiff's responsibility to keep the court apprised of his current address at all  
3 times. See Local Rule 182(f); 183(b).

4           Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed  
5 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

6           These findings and recommendations are submitted to the United States District  
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 21 days  
8 after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
11 objections shall be filed and served within 14 days after service of the objections. The parties are  
12 advised that failure to file objections within the specified time may waive the right to appeal the  
13 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: December 2, 2011

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17 KENDALL J. NEWMAN  
18 UNITED STATES MAGISTRATE JUDGE

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