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

KENNETH SMITH,

Plaintiff,

No. CIV S-10-1615 JAM EFB PS

vs.

AGENT ELINDA PAGE, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /
This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On July 9, 2010, the postal service returned documents directed to plaintiff as “undeliverable, unable to forward.”¹

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 a plaintiff is returned by the postal service and plaintiff 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 plaintiff has not notified


_____ /
¹ The postal service also returned documents directed to plaintiff as “undeliverable, unable to forward” on July 26, 2010.

1 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, plaintiff may file written objections
7 with the court. Such a document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendations.” Failure to file objections within the specified time may waive
9 the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.
10 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

11 DATED: September 22, 2010.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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