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

MIDEL JACKSON,

Plaintiff,

No. CIV S-10-2070 GEB EFB P

vs.

MATHEW CATES, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 9, 2011 and March 16, 2011, the postal service returned documents directed to plaintiff as “undeliverable, paroled.” Based on plaintiff’s failure to comply with his obligation to keep the court apprised of his current address, the undersigned recommended on May 24, 2011 that this action be dismissed without prejudice for failure to prosecute. Dckt. No. 31 (citing Local Rule 183(b)).

On May 27, 2011, plaintiff submitted objections to the findings and recommendations. Dckt. No. 32. Plaintiff informed the court that he had been paroled and homeless during the period when his mail had been returned as undeliverable. According to plaintiff, he asked his parole officer to have his legal mail forwarded to the parole office, but this was not done. As of June 2, 2011, plaintiff has been returned to prison and has submitted his current address at High

1 Desert State Prison. Dckt. No. 34.

2 Based on the foregoing, the court will vacate the findings and recommendations  
3 recommending that the action be dismissed. However, the court admonishes plaintiff that it is  
4 his responsibility, not that of his parole officer or any other individual, to ensure that the court  
5 has a current address where he can receive mail from the court and to otherwise comply with the  
6 applicable Federal Rules of Civil Procedure and Local Rules of this court. Failure to do so is  
7 grounds for dismissal without prejudice. L.R. 110, 183(b).

8 Accordingly, it is hereby ORDERED that:

9 1. The findings and recommendations issued on May 24, 2011 are hereby vacated.

10 2. The case shall proceed according to the discovery and scheduling order issued on  
11 March 7, 2011. Due to the delay caused by plaintiff's failure to provide a proper current address,  
12 either party may seek modification of the schedule by appropriate motion.

13 DATED: June 7, 2011.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE  
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