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

JOHN JAMES,

Plaintiff,

No. 2:10-cv-03279 MCE KJN PS

vs.

ALBERT GARY; CURTIS
FERGUNSON and CREW,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff, who is in forma pauperis and proceeding without counsel, filed his complaint on December 8, 2010. (Dkt. No. 1.) A review of the docket reflects that the court’s screening order dated December 9, 2010 (Dkt. No. 3) was served upon plaintiff’s address of record via mail on December 10, 2010, and returned as undeliverable by the postal service on December 29, 2010. 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. More than sixty-three days have passed since the court order was returned by the postal service and plaintiff has failed to notify the Court of a current address.

Further, the court dismissed plaintiff’s complaint with leave to amend on December 9, 2010. (Dkt. No. 3.) The court’s order dated December 9, 2010, gave plaintiff 30 days to amend his complaint to correct various deficiencies, but plaintiff has not filed any


1 amended pleading to date and the 30-day deadline has passed. (Dkt. No. 3.)

2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
3 without prejudice for failure to prosecute. See Local Rule 183(b).

4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
6 days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendations.” Any response to the objections shall be filed and served
9 within fourteen days after service of the objections. Plaintiff is advised that failure to file
10 objections within the specified time may waive the right to appeal the District Court’s order.
11 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 IT IS SO RECOMMENDED.

13 DATED: March 10, 2011

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
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