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

PETER L. SKOWRONSKI,

No. CIV S-10-3447-MCE-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

CDCR, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On January 18, 2011, mail directed to plaintiff was returned undeliverable. Pursuant to Eastern District of California Local Rule 183(b), parties appearing pro se must keep the court and opposing parties advised as to his or her current address, and that if mail directed to a pro se party is returned undeliverable, such party must notify the court of his or her new address within 63 days of the mail being returned. Failure to do so is grounds for dismissal of the action. To date, plaintiff has failed to advise the court of any new address.

The court must weigh five factors before imposing the harsh sanction of dismissal. See Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987). Those factors are: (1) the public's

1 interest in expeditious resolution of litigation; (2) the court's need to manage its own docket; (3)  
2 the risk of prejudice to opposing parties; (4) the public policy favoring disposition of cases on  
3 their merits; and (5) the availability of less drastic sanctions. See id.; see also Ghazali v. Moran,  
4 46 F.3d 52, 53 (9th Cir. 1995) (per curiam). A warning that the action may be dismissed as an  
5 appropriate sanction is considered a less drastic alternative sufficient to satisfy the last factor.  
6 See Malone, 833 F.2d at 132-33 & n.1. The sanction of dismissal for lack of prosecution is  
7 appropriate where there has been unreasonable delay. See Henderson v. Duncan, 779 F.2d 1421,  
8 1423 (9th Cir. 1986). Dismissal has also been held to be an appropriate sanction for failure to  
9 inform the district court and parties of a change of address pursuant to local rules. See Carey v.  
10 King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (per curiam).

11           Having considered these factors, and in light of plaintiff's failure to advise the  
12 court of his current address, the court finds that dismissal of this action is appropriate.

13           Based on the foregoing, the undersigned recommends that this action be  
14 dismissed, without prejudice, for lack of prosecution and failure to comply with court rules.

15           These findings and recommendations are submitted to the United States District  
16 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days  
17 after being served with these findings and recommendations, any party may file written  
18 objections with the court. Responses to objections shall be filed within 14 days after service of  
19 objections. Failure to file objections within the specified time may waive the right to appeal.  
20 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21  
22 DATED: April 15, 2011

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25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE