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

KEVIN A. CLEVELAND,

Plaintiff,

No. 2:11-cv-0435-EFB

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

_____ /
On May 5, 2011, the court ordered plaintiff to, within 14 days, submit documents for service of process to the United States Marshal, and to file a statement with the court that said documents had been submitted. Dckt. No. 3. Plaintiff failed to comply with that order. On April 30, 2012, plaintiff was ordered to comply with the May 5, 2012 order within 14 days and warned that failure to comply would result in dismissal of this case. Dckt. No. 9. Plaintiff failed to respond to that order, and on April 30, 2012, the undersigned issued findings and recommendations recommending the instant action be dismissed for failure to prosecute. Dckt. No. 10.

Plaintiff filed objections to the findings and recommendations, in which he explained that he is homeless and does not timely receive mail. Dckt. No. 11. In light of plaintiff's situation,

1 the undersigned vacated the findings and recommendations and provided plaintiff an additional
2 fourteen days to comply with the court's May 5, 2011 order.¹ The period for compliance has
3 once again run, and plaintiff has failed to comply with the court's order. Given that plaintiff has
4 continuously failed to comply with this court's instructions, the case will be dismissed for failure
5 to prosecute.

6 Accordingly, it is ORDERED that:

7 1. This action is dismissed pursuant to Federal Rule of Civil Procedure 41(b), based on
8 plaintiff's failure to prosecute the action and to comply with court orders and Local Rules; and

9 2. The Clerk is directed to close the case.

10 Dated: August 28, 2012.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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26 ¹ The case was subsequently assigned to the undersigned for all further proceedings pursuant to the parties' consent. *See* Dckt. No. 16.