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

MICHAEL S. DAVIS,

Plaintiff,

No. 2:11-cv-1100 KJN P

vs.

C. CARLTON, et al.,

Defendants.

ORDER and

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a former state prisoner seeking in forma pauperis status in this civil rights action filed pursuant to 42 U.S.C. § 1983. On June 23, 2011, this court issued an order directing plaintiff to file a new application to proceed in forma pauperis, on a form used in non-prisoner cases, which was attached to the court’s order. (Dkt. No. 5.) That order was served on plaintiff’s address of record but returned by the postal service as “undeliverable.” 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 thirty have passed since the attempted service of the court’s order, and plaintiff has failed to notify the Court of a current address. The court will therefore recommend that this action be dismissed without prejudice.

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign
2 a district judge to this action.

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

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

13 DATED: July 25, 2011

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16 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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