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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRELL D. HALL,  
Plaintiff,  
v.  
SAN JOAQUIN COUNTY JAIL, et al.,  
Defendants.

No. 2:13-cv-0324 AC P

ORDER

Plaintiff is a former county prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Defendants in this action filed a motion for summary judgment on June 22, 2017. ECF No. 116. After plaintiff failed to respond to the motion, the court entered an order on July 31, 2017, in which it granted plaintiff an additional twenty-one days to oppose the motion and warned that failure to do so would result in dismissal of the action for failure to prosecute. ECF No. 118. According to the file in this case, the copy of the July 31, 2017 order that was served on plaintiff at his address of record was returned by the United States Postal Service as undeliverable. It appears that at some point plaintiff obtained a copy of the order because he has now filed a motion for reconsideration of the order. ECF No. 121.

Plaintiff appears to be under the mistaken belief that the July 31, 2017 order dismissed his case. ECF No. 121. However, the order only warned plaintiff of that possibility if he failed to respond to the motion for summary judgment. ECF No. 118. Plaintiff’s motion for

1 reconsideration will therefore be denied as moot and he will be given a final opportunity to  
2 respond to the motion for summary judgment.

3 Plaintiff has also filed two notices of change of address that contain two different  
4 addresses. ECF Nos. 119, 120. According to the dates on the notices, the notice received by the  
5 Clerk of the Court on September 12, 2017, was mailed by plaintiff on September 8, 2017 (ECF  
6 No. 119), while the notice received on September 13, 2017, was mailed on or around August 29,  
7 2017 (ECF No. 120). Because it appears that the earlier filed notice contains plaintiff's most  
8 recent address, the docket shall reflect that plaintiff's address of record is 80 S. Market, San Jose,  
9 CA 95112. ECF No. 119. However, as a precaution, the Clerk of the Court will be directed to  
10 serve this order on plaintiff at both addresses provided so that plaintiff may notify the court of his  
11 correct address of record if necessary.

12 Plaintiff is cautioned that he has an obligation to keep the court up-to-date with his current  
13 address by promptly filing a notice of change of address with the court whenever his address  
14 changes. Service of documents on plaintiff at his address of record, even if they are returned, will  
15 be considered fully effective. L.R. 182(f). The court cannot be held responsible for plaintiff's  
16 failure to receive orders if he does not keep his address current.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's motion for reconsideration (ECF No. 121) is denied as moot.
- 19 2. Plaintiff shall have twenty-one days from service of this order to file and serve an  
20 opposition to defendants' motion for summary judgment or a statement of non-opposition.  
21 Failure to comply with this order will result in the dismissal without prejudice of this action for  
22 failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).
- 23 3. The Clerk of the Court shall update the docket to reflect plaintiff's address of record is  
24 80 S. Market, San Jose, CA 95112 and shall serve this order on plaintiff at both his address of  
25 record and at 1919 Senter Rd., San Jose, CA 95112.

26 DATED: September 18, 2017

27   
28 ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE