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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   AARON JOHNSON,   No. 2:13-cv-2136 AC P

12   Plaintiff,

13   v.   ORDER AND

14   BRIAN DUFFY, et al.,   FINDINGS & RECOMMENDATIONS

15   Defendants.

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17   A recent court order was served on plaintiff's address of record and returned by the postal

18   service. It appears that plaintiff has failed to comply with Local Rule 183(b), which provides that

19   "[i]f mail directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal

20   Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63)

21   days thereafter of a current address, the Court may dismiss the action without prejudice for failure

22   to prosecute." More than sixty-three days have passed since the court order was returned by the

23   postal service and plaintiff has failed to notify the court of a current address.

24   Accordingly, IT IS HEREBY ORDERED that the clerk of the court randomly assign a

25   United States District Judge to this action; and

26   IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for

27   failure to prosecute. See Local Rule 183(b).

28   These findings and recommendations are submitted to the United States District Judge

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

DATED: January 23, 2015

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE