

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONOVAN L. HALEY,
Plaintiff,
v.
JOE A. LIZARRAGA, et al.,
Defendants.

No. 2:15-cv-0466 AC P

ORDER and
FINDINGS AND RECOMMENDATIONS

This prisoner civil rights action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c). A recent court order was served on plaintiff’s address of record and returned by the postal service.¹ See ECF No. 6 (filed and served September 30, 2015). It appears that plaintiff has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona promptly inform the court of any address change, and authorizes dismissal of an action without prejudice if a notice of address

////

////

¹ Plaintiff was incarcerated at California State Prison-Corcoran, his prior address of record, where the court’s order was served. The Inmate Locator website operated by the California Department of Corrections and Rehabilitation (CDCR) indicates that plaintiff is no longer incarcerated under the authority of CDCR. See <http://inmatelocator.cdcr.ca.gov/search.aspx>. See also Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned).


1 change has not been provided within sixty-three days after the return of a court order.² Because
2 sixty-three days have passed since the postal service returned the aforementioned court order on
3 October 13, 2015, dismissal of this action without prejudice is warranted for failure to prosecute.
4 See Local Rule 183(b).

5 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a
6 United States District Judge to this action.

7 Additionally, for the foregoing reasons, IT IS HEREBY RECOMMENDED that this
8 action be dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, plaintiff may file written objections
12 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
13 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
14 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
15 (9th Cir. 1991).

16 DATED: December 15, 2015

17 
18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE

20
21
22
23
24 ² Local Rule 183(b) provides:

25 A party appearing in propria persona shall keep the Court and
26 opposing parties advised as to his or her current address. If mail
27 directed to a plaintiff in propria persona by the Clerk is returned by
28 the U.S. Postal Service, and if such plaintiff fails to notify the Court
and opposing parties within sixty-three (63) days thereafter of a
current address, the Court may dismiss the action without prejudice
for failure to prosecute.