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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DYLAN SCOTT CORRAL,  
Plaintiff,  
v.  
FOLSOM STATE PRISON,  
Defendants.

No. 2:15-cv-0829 GEB AC P

ORDER

On March 9, 2016, this action was dismissed and judgment was entered.<sup>1</sup> ECF Nos. 16, 17. On March 21, 2016, plaintiff filed untimely objections to the Magistrate Judge’s December 24, 2015 findings and recommendations. ECF No. 18.

Standards For Motions To Reconsider

Plaintiff’s objections are untimely due to his own failure to keep the court apprised of his current address. Accordingly, they will be construed as a motion for reconsideration. Local Rule 230(j) requires that a motion for reconsideration state “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion; and . . . why the facts or circumstances were not shown at the time of the prior motion.” L.R. 230(j)(3)-(4).

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<sup>1</sup> The court notes that the dismissal of this action was without prejudice.

1 On December 24, 2015, the magistrate judge filed findings and recommendations  
2 recommending that the case be dismissed because plaintiff had failed to comply with a court  
3 order to either pay the filing fee or file an application to proceed in forma pauperis. ECF No. 15.  
4 At that time, plaintiff had been given multiple extensions of time to comply, totaling 150 days.  
5 Id. He was given fourteen days from service to file objection. Id. The findings and  
6 recommendations were served on plaintiff at his address of record, but records shows they were  
7 returned by the postal service as undeliverable on January 19, 2016. However, according to the  
8 court's records, plaintiff's address was updated by the Clerk of the Court on January 14, 2016,  
9 based on plaintiff's filing in another case, and the findings and recommendations were re-served  
10 on plaintiff's updated address the following day. The findings and recommendations served on  
11 January 15, 2016, were not returned to the court. Plaintiff failed to file objections within  
12 seventeen days<sup>2</sup> of January 15, 2016, and the findings and recommendations were adopted in full.  
13 ECF No. 16.

14 Plaintiff was provided more than sufficient time to comply with the court's order to pay  
15 the filing fee or submit an application to proceed in forma pauperis but failed to do either.  
16 Although plaintiff alleges that he never received the findings and recommendations, it was his  
17 responsibility to keep the court up to date on his address and he has failed to adequately explain  
18 his failure to do so. Moreover, the findings and recommendations were re-served on plaintiff on  
19 January 15, 2016, and were not returned. The complaint was dismissed without prejudice, which  
20 means that plaintiff is free to re-file and plaintiff's allegations do not meet the requirements for a  
21 motion for reconsideration or warrant a different outcome.

22 Accordingly, IT IS HEREBY ORDERED that:

23 1. Plaintiff's March 21, 2016 motion for reconsideration (ECF No. 18) is denied;

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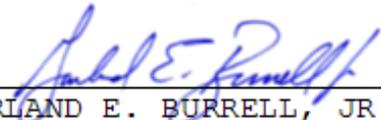
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28 <sup>2</sup> Plaintiff was entitled to an additional three days based on the method of service. Fed. R. Civ. P. 6(d).

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2. Plaintiff shall file nothing further in this action. Failure to comply with this order may result in the imposition of monetary sanctions.

Dated: April 3, 2017

  
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GARLAND E. BURRELL, JR.  
Senior United States District Judge