

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

RONALD J. MCZEAL,  
Plaintiff,  
v.  
ANDRES ZAPATA, et al.,  
Defendants.

No. 2:15-cv-01795-AC P

ORDER


Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On May 3, 2017, the court screened plaintiff’s complaint and determined that service was appropriate for defendant Andres Zapata. ECF No. 6. It directed plaintiff to submit the necessary service documents within thirty days of that order. Id. That deadline has now passed and plaintiff has not complied with the court’s order. Plaintiff was warned that failure to comply with the court’s order could result in dismissal of this action. Id. at 6. The district court has authority to dismiss a pro se plaintiff’s action for failure to prosecute. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629 (1962). Additionally, mail sent to plaintiff was recently returned as undeliverable with an indication that he had been paroled. The court notes that it has the power to dismiss this action because plaintiff consented to magistrate judge jurisdiction. ECF No. 4; see Wilhelm v. Rotman, 680 F.3d 1113, 1119-21 (9th Cir. 2012).

///

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

Accordingly, it is HEREBY ORDERED that this action is dismissed without prejudice.

DATED: June 27, 2017

  
\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE