UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GERROD LONZELL HERNDON,

Petitioner,

v.

PEOPLE OF CALIFORNIA,

Respondent.

No. 2:15-cv-2191 WBS AC P

FINDINGS AND RECOMMENDATIONS

By an order filed November 7, 2016, petitioner was ordered to file a fully completed in forma pauperis application within thirty days, and was cautioned that failure to do so would result in a recommendation that this action be dismissed. ECF No. 12. The thirty day period has now expired, and petitioner has not responded to the court's order and has not filed the required documents.

In addition, the November 7, 2016 court order was served on petitioner's address of record and returned by the postal service marked "Paroled." It appears that petitioner has failed to comply with Local Rule 182(f), which requires that a party appearing in propria persona inform the court of any address change. More than sixty-three days have passed since the court order was returned by the postal service and petitioner has failed to notify the Court of a current address.

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Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 6, 2017

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE