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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD A. GARY,
Petitioner,
v.
BRANDON PRICE, Executive Director,
Coalinga State Hospital,
Respondent.

No. 2:16-cv-1060 AC P
ORDER and
FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se with this action, which 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 order of this court was served on petitioner at his last address of record but returned by the postal service. See ECF No. 10. It appears that petitioner has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court of any address change. “If mail directed to a [party] in propria persona by the Clerk is returned by the U.S. Postal Service, and if such [party] 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.” Local Rule 183(b).

More than sixty-three days have passed since the subject court order was returned by the postal service and petitioner has failed to notify the Court of his current address.

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Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a district judge to this action.

Additionally, 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)(1). Within fourteen (14) days after being served with these findings and recommendations, petitioner 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. Petitioner is 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: November 26, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE