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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN KEMPER,

Plaintiff,

v.

CALIFORNIA STATE UNIVERSITY,
SACRAMENTO,

Defendant.

No. 2:17-cv-0895 GEB AC PS

FINDINGS AND RECOMMENDATIONS

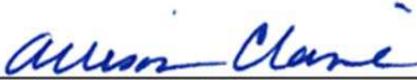
Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On July 31, 2017, the court dismissed the complaint, and granted plaintiff 30 days to file an amended complaint. ECF No. 3. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiff has not responded to the court’s orders, nor taken any action to prosecute this case.

Moreover, the order was served on plaintiff’s address of record and returned by the postal service. It appears that plaintiff has failed to comply with the court’s Local Rules, which require that a party appearing in propria persona inform the court of any address change within sixty-three days. Local Rule 183(b). More than sixty-three days have passed since the court order was returned by the postal service and plaintiff has failed to notify the Court of a current address.

1 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
2 prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.
3 Civ. P. 41(b); Local Rule 110, 183(b).

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
6 (21) days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
9 objections within the specified time may waive the right to appeal the District Court’s order.
10 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 DATED: October 18, 2017

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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