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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY G. KIZZIE,  
Petitioner,  
v.  
ANDRE MATEVOUSIAN,  
Respondent.

No. 2:17-cv-1238 DB P

FINDINGS & RECOMMENDATIONS

A recent court order was served on plaintiff’s address of record and returned by the postal service. It appears that plaintiff 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. 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.


Accordingly, the Clerk of the Court is HEREBY ORDERED to assign a district judge to this case; and

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

These findings and recommendations will be 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 days after being served with these findings and recommendations, petitioner may file written

1 objections with the court. The document should be captioned “Objections to Magistrate Judge's  
2 Findings and Recommendations.” Petitioner is advised that failure to file objections within the  
3 specified time may result in waiver of the right to appeal the district court’s order. Martinez v.  
4 Ylst, 951 F.2d 1153 (9th Cir. 1991). In his objections petitioner may address whether a certificate  
5 of appealability should issue in the event he files an appeal of the judgment in this case. See Rule  
6 11, Rules Governing § 2254 Cases (the district court must issue or deny a certificate of  
7 appealability when it enters a final order adverse to the applicant).

8 Dated: October 10, 2017

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
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