

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

STEVEN LEE DRAPER,  
Plaintiff,  
v.  
GOOGLE CORPORATION, et al.,  
Defendants.

No. 2:17-cv-01299 KJM 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 August 15, 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 on two different occasions. 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


///

1 passed since the court order was returned by the postal service and plaintiff has failed to notify  
2 the Court of a current address.

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

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

13 DATED: November 20, 2017.

14  
15   
16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28