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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LOPEZ, et al.,

 Plaintiffs,

 v.

DEPARTMENT OF VETERAN
AFFAIRS,

 Defendant.

No. 2:17-cv-01474-JAM-KJN (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiffs, who proceed pro se, filed this action and requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) On August 29, 2017, the court denied plaintiffs’ applications to proceed *in forma pauperis* and ordered plaintiffs to “either (a) pay the applicable filing fee or (b) each file an application to proceed *in forma pauperis* that adequately demonstrates that each plaintiff is unable to pay the filing fee” within 28 days. (ECF No. 3.) Moreover, the court admonished plaintiffs that “failure to either pay the filing fee or file sufficient applications to proceed *in forma pauperis* by the above deadline will result in a recommendation that the action be dismissed.” (Id.)

On September 21, 2017, the court’s order sent to plaintiffs was returned to the court as undeliverable. It is plaintiffs’ duty to keep the court informed of their current addresses, and service of the court’s order at the address on record was effective absent the filing of a notice of

1 change of address. In relevant part, Local Rule 182(f) provides: “Each appearing attorney and
2 pro se party is under a continuing duty to notify the Clerk and all other parties of any change of
3 address or telephone number of the attorney or the pro se party. Absent such notice, service of
4 documents at the prior address of the attorney or pro se party shall be fully effective.”

5 Because plaintiffs have failed to pay the filing fee or submit revised applications to
6 proceed *in forma pauperis* within 28 days of the court’s previous order, it appears that they have
7 chosen to abandon this action.


8 Accordingly, IT IS HEREBY RECOMMENDED that:

- 9 1. The action be dismissed without prejudice.
- 10 2. The Clerk of Court be directed to close this case.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
13 after being served with these findings and recommendations, any party may file written
14 objections with the court and serve a copy on all parties. Such a document should be captioned
15 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
16 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
17 Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 IT IS SO RECOMMENDED

19 Dated: October 4, 2017

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21 _____
22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

24 14/ps.17-1474.lopez.F&R dismissal
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