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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LOPEZ, et al.,  
Plaintiff,  
v.  
U.S. SUPERIOR COURTS, et al.,  
Defendant.

No. 2:17-cv-01493-KJM-CKD (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiffs, who proceed pro se, have filed an action based on an unlawful detainer action in state court, and the failure to have a jury trial for said action. (ECF No. 1.) On August 24, 2017, the court granted plaintiffs’ applications to proceed in forma pauperis. (ECF No. 4.) At the same time, the court admonished plaintiffs that:

The federal courts are courts of limited jurisdiction. In the absence of a basis for federal jurisdiction, plaintiffs’ claims cannot proceed in this venue. Because there is no basis for federal subject matter jurisdiction evident in the complaint, plaintiffs will be ordered to show cause why this action should not be dismissed. Failure to allege a proper basis for subject matter jurisdiction will result in a recommendation that the action be dismissed.

(Id.)

On September 5, 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 orders at the addresses on record was effective absent the filing of a notice

1 of 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 respond to the court’s order to show cause, it appears that  
6 they have chosen to abandon this action. Moreover, without a valid basis for jurisdiction over  
7 this action, dismissal is appropriate.

8 Accordingly, IT IS HEREBY RECOMMENDED that:

- 9 1. The action be dismissed without prejudice for lack of subject matter jurisdiction.
- 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 Dated: October 2, 2017

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21 CAROLYN K. DELANEY  
22 UNITED STATES MAGISTRATE JUDGE

23 14/ps.17-1493.lopez.f&R dismissal  
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