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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY SHELDON WARD, JR.,  
Petitioner,  
v.  
J. SALAZAR, Warden,  
Respondent.

No. 2:18-cv-0931 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

On August 31, 2018, a court order was served on petitioner’s address of record. (See ECF No. 12). The order was returned by the postal service as undeliverable on September 11, 2018.

On November 5, 2018, respondent filed a response and motion to dismiss the petition. (ECF No. 13). On November 27, 2018, the court issued another order directing petitioner to file a traverse to respondent’s filing within thirty days. (See ECF No. 14). On December 5, 2018, that order was also returned to the court as undeliverable.

It appears that petitioner has failed to comply with Local Rule 182(f), 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 first court order was returned by the postal service, and petitioner has failed to notify the court of a current address.

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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a  
2 District Court judge to this action.


3 IT IS FURTHER RECOMMENDED that:

4 1. This matter be DISMISSED without prejudice for failure to prosecute (see Local Rule  
5 183(b)), and

6 2. Respondent's motion to dismiss filed November 5, 2018 (ECF No. 13) be DENIED as  
7 moot.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, any party may file written  
11 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
12 Findings and Recommendations." Any response to the objections shall be filed and served within  
13 fourteen days after service of the objections. The parties are advised that failure to file objections  
14 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
15 Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: December 10, 2018

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20 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

21 DLB:13  
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