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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MOORISH SCIENCE TEMPLE OF
AMERICA, et al.

Plaintiffs,

v.

SIERRA PACIFIC MORTGAGE
COMPANY,

Defendant.

No. 2:18-cv-2094 TLN GGH

FINDINGS AND RECOMMENDATIONS

Plaintiffs, proceeding pro se out of Chicago, Illinois, filed a complaint alleging breach of contract (Pooling Servicing Agreement), among other things, ECF No. 1, along with a motion to proceed in forma pauperis [“IFP”]. ECF No. 2. The magistrate judge to whom the matter was referred issued an order on September 4, 2018, granting IFP status in part and dismissing the complaint because the real party in interest cannot proceed without representation by counsel, and because the filed complaint did not comply with the dictates of Federal Rules of Civil Procedure 8(a). ECF No. 3. In that order the magistrate judge granted plaintiffs a period of 45 days from the date of the order to acquire counsel, and for that counsel to file an amended complaint in conformity with the instructions provided in the Order. Id. at 6-7.

The Clerk of the Court served the order by mailing it to plaintiffs’ address of record on September 4, 2018, and on September 25, 2018 the mail was returned as undeliverable. It

1 therefore appears that plaintiffs have failed to comply with Local Rule 183(b), which requires that
2 a party appearing in pro se inform the court of any address change. More than sixty-three days
3 have passed since the court order was returned by the postal service and plaintiffs have failed to
4 notify the Court of a current address.

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

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

14 IT IS SO ORDERED.

15 Dated: December 6, 2018

16 /s/ Gregory G. Hollows
17 UNITED STATES MAGISTRATE JUDGE
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