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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLIFTON J. MCDANIEL,  
  
Plaintiff,  
  
v.  
  
DANIELS, et al.,  
  
Defendants.

No. 2:20-cv-00895-TLN-CKD P

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On August 18, 2020, the court screened plaintiff’s complaint and gave him the option of proceeding on the Eighth Amendment claims against defendant Hood-Medland or of filing an amended complaint to fix the deficiencies with respect to the remaining claims. ECF No. 11. Plaintiff was ordered to return the Notice of Election form within 21 days. ECF No. 11. Plaintiff has failed to return the Notice of Election form and a review of CDCR inmate records indicates that plaintiff is no longer in custody.<sup>1</sup> See Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001) (emphasizing that the court may take judicial

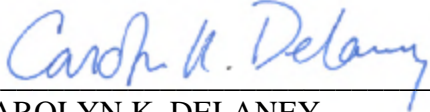
<sup>1</sup> On April 29, 2021, the court performed searches using plaintiff’s full name and his prisoner identification number on the California Department of Corrections and Rehabilitation’s inmate locator website, which yielded no records. See CDCR Inmate Locator, <https://inmatelocator.cdcr.ca.gov/search.aspx> (utilizing search terms “McDaniel, Clifton J.” and then “BK6263”). Accordingly, this court takes judicial notice of the fact the plaintiff is no longer incarcerated. See Fed. R. Evid. 201.

1 notice of undisputed “matters of public record.”), overruled on other grounds by Galbraith v.  
2 Cnty. Of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002). Therefore, it appears that plaintiff  
3 has failed to comply with Local Rule 182(f), which requires that a party appearing in propia  
4 persona inform the court of any change of address.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
6 prejudice for plaintiff’s failure to keep the court apprised of his current address. See Local Rules  
7 182(f) and 110.

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, plaintiff may file written objections  
11 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings  
12 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
13 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153  
14 (9th Cir. 1991).

15 Dated: April 29, 2021

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18 CAROLYN K. DELANEY  
19 UNITED STATES MAGISTRATE JUDGE

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