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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMETRIUS DAVIS,  
  
                                  Plaintiff,  
  
                  v.  
  
SABA, et al.,  
  
                                  Defendants.

No. 2:22-cv-0269 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, who appears to be a former state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 and has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. ECF Nos. 1, 5, 6. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1)(B).

On February 11, 2022, the court served plaintiff via U.S. Mail with new case documents at his address of record. Thereafter, on February 28, 2022, the documents were returned as “undeliverable, not in custody.” Pursuant to Local Rule 182(f), however, service of documents at the address of record for plaintiff is fully effective.

It is plaintiff’s responsibility to keep the court apprised of his current address at all times. To date, plaintiff has not filed a notice of change of address with the court. In addition, the sixty-three-day period within which to file a notice of change of address has also expired. See Local Rule 183(b). For these reasons, the undersigned will recommend that this action be dismissed.

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

3           IT IS FURTHER RECOMMENDED that:

- 4           1. Plaintiff's application to proceed in forma pauperis (ECF No. 6) is DENIED as moot,  
5 and  
6           2. This action be DISMISSED without prejudice for failure to keep the court informed of  
7 his current address.

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. Such a 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: May 10, 2022

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17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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