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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN EDWARD VELARDE,  
Plaintiff,  
v.  
CHICO POLICE DEPARTMENT et al.,  
Defendants.

No. 2:22-cv-1823 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a county inmate proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. By order filed April 4, 2023, the court issued an order dismissing plaintiff’s amended complaint with leave to file an amended complaint. (ECF No. 5.) It also denied plaintiff’s motion to proceed in forma pauperis without prejudice because his in forma pauperis application was incomplete, and directed plaintiff to submit a completed application within thirty days. (Id.)

Those thirty days have passed, and plaintiff has not filed an amended complaint, a completed application to proceed in forma pauperis, or otherwise responded to the court’s order. The court’s April 4, 2023, order was returned as undeliverable, and plaintiff has not filed a notice of change of address. However, pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective. Therefore, the undersigned will recommend this action be

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1 dismissed without prejudice for failure to prosecute and failure to comply with a court order.  
2 Fed. R. Civ. P. 41(b); E.D. Cal. R. 110.

3 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court is  
4 directed to randomly assign a district judge to this case.

5 IT IS RECOMMENDED that:

- 6 1. This action be dismissed without prejudice; and
- 7 2. The Clerk of the Court be directed to close this case.

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 (14)  
10 days after being served with these findings and recommendations, plaintiff may file written  
11 objections with the court and serve a copy on all parties. Such a document should be captioned  
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that  
13 failure to file objections within the specified time may waive the right to appeal the District  
14 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 Dated: July 27, 2023

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19 DEBORAH BARNES  
20 UNITED STATES MAGISTRATE JUDGE

21 DB: 15  
22 DB/DB Prisoner Inbox/Civil Rights/R/vela1823.fta ifp fr

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