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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JIMMIE L. DOSS,)	No. C 07-6484 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
WARREN RUPF, et al.,)	
)	
Defendants.))	
_____)	

Plaintiff, most recently incarcerated at San Quentin State Prison in San Quentin, California, filed this civil rights complaint under 42 U.S.C. § 1983 alleging the use of excessive force against him by personnel of the Contra Costa Sheriff’s Office while he was incarcerated at the Martinez Detention Facility. On August 11, 2009, this Court granted partial summary judgment on certain of Plaintiff’s claims and referred the remaining claims to the Pro Se Prisoner Mediation Program for mediation proceedings before Magistrate Judge Vadas.

The Court sent the order granting partial summary judgment to the address at San Quentin State Prison provided by Plaintiff. Thereafter, on August 13, 2009, the Court’s order was returned with a notification from the facility that Petitioner was not at that institution (*see* docket no. 25). The hand-written note stated “Reg. 2” which is apparently the parole region to which Plaintiff was paroled.

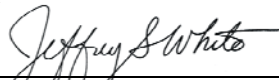
A district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir.

1 1991). Pursuant to Northern District Local Rule 3-11 an attorney or party proceeding pro
2 se whose address changes while an action is pending must promptly file and serve upon
3 all opposing parties a notice of change of address specifying the new address. See L.R.
4 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to
5 the attorney or the pro se party by the court has been returned to the court as not
6 deliverable, and (2) the court fails to receive within 60 days of this return a written
7 communication from the attorney or *pro se* party indicating a current address. See L.R. 3-
8 11(b); see also *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal
9 with prejudice of pro se prisoner's complaint for failing to notify court of his change of
10 address despite local rule providing that case be dismissed without prejudice because any
11 lesser sanction would impose affirmative obligation for district courts to track down pro
12 se prisoners).

13 More than 60 days have passed since the order was returned from the facility.
14 Accordingly, Plaintiff's complaint is hereby dismissed without prejudice for his failure to
15 keep the Court apprised of his current address pursuant to Civil Local Rule 3-11(b) and
16 for failure to prosecute this matter pursuant to Fed. R. Civ. P. 41(b).

17 IT IS SO ORDERED.

18 DATED: November 13, 2009

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20 _____
21 JEFFREY S. WHITE
22 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 JIMMIE L. DOSS,

6 Plaintiff,

7 v.

8 WARREN RUPF et al,

9 Defendant.
10 _____/

Case Number: CV07-06484 JSW

CERTIFICATE OF SERVICE

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on November 17, 2009, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Jimmie L. Doss K26294
18 San Quentin State Prison
19 San Quentin, CA 94974

20 Dated: November 17, 2009

Jennifer Ottolini
Richard W. Winking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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