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

DAVID MITCHELL,	)	No. C 11-524 CRB (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
LOWER-BRODERSON, et al.,	)	
	)	
Defendant(s).	)	
	)	
_____	)	(Docket # 27)

Plaintiff filed the instant pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff's last communication with the Court was on May 31, 2011, when he filed a notice of interrogatories. Docket # 3.

On August 3, 2012, the post office returned the court's mail to plaintiff as undeliverable because he was paroled. Docket # 25. The court received no written communication from plaintiff indicating a current address. On August 29, 2012, defendants' attorney filed a declaration stating that he was informed by Salinas Valley State Prison that plaintiff was paroled on May 29, 2012. Defendant's attorney also informed the court of plaintiff's current mailing address which he obtained from plaintiff's parole agent. Docket # 26.

On October 10, 2012, the court ordered plaintiff to show cause, within 20 days, why this action should not be dismissed for failure to prosecute under Rule

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41(b). It also warned plaintiff that failure to respond to the order would result in the dismissal of this action. Docket # 29.

More than 25 days have elapsed; however, plaintiff has not responded to the court's order to show cause, or sought an extension of time to do so. The action is DISMISSED without prejudice. See Fed. R. Civ. P. 41(b).

The clerk shall enter judgment accordance with this order, terminate all pending motions as moot, (docket # 27), and close the file.

SO ORDERED.

DATED: Nov. 7, 2012

  
\_\_\_\_\_  
CHARLES R. BREYER  
United States District Judge