

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

OWEN ALANZO HOGARTH II,
Plaintiff,
v.
ASSET ACCEPTANCE LLC, *et al.*,
Defendants.

No. C 13-02408 SI

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT**

United States District Court
For the Northern District of California

On May 28, 2013, *pro se* plaintiff Hogarth filed an action against defendants regarding a disputed payment of a debt plaintiff owes to Asset Acceptance. The case was initially assigned to Magistrate Judge Laporte.

On June 24, 2013, Magistrate Judge Laporte filed a Report and Recommendation recommending that the Court deny the application to proceed *in forma pauperis* because the application was inadequate, and dismiss the complaint with leave to amend, because it failed to include a short and plain statement of statement of the claim showing that the pleader is entitled to relief. Docket No. 7. No party objected to the Report and Recommendation within 14 days of service. *See* Fed. R. Civ. P. 72(a); N.D. Cal. L.R. 72-2. The Court has reviewed the Report and Recommendation and the complaint, and concludes that the complaint should be dismissed with leave to amend.

On July 8, 2013, the Order Reassigning Case and the Report and Recommendation were returned as undeliverable to the Court. *See* Docket No. 10. Pursuant to Local Rule 3-11, a party has a duty to notify the Court of a change of address. If the Court receives mail returned as undeliverable, and has not received a change of address notification within 60 days, then the court may dismiss the case without prejudice. N.D. Cal. L.R. 3-11(b).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, the Court ADOPTS the Report and Recommendation and DISMISSES the complaint. Plaintiff may file an amended complaint **by no later than September 6, 2013.** Additionally, the Court ORDERS plaintiff to file a Notice of Change of Address, pursuant to Local Rule 3-11, **by no later than September 6, 2013.**

IT IS SO ORDERED.

Dated: August 14, 2013



SUSAN ILLSTON
United States District Judge