

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES JOHN O'SHEA,
Plaintiff,
v.
STEPHEN M WAGSTAFFE,
Defendant.

Case No. [22-cv-03250-TLT](#)

ORDER OF DISMISSAL

Plaintiff, a state prisoner housed at North Kern State Prison at the time of filing on June 3, 2022, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, regarding conduct by City of Pacifica police officers and the San Mateo County District Attorney in 2016 and 2018. ECF No. 1. Plaintiff has not communicated with the Court since he filed his initial complaint and simultaneous consent to magistrate judge jurisdiction. ECF Nos. 1,2. The court orders and notices served on Plaintiff have been returned to the Court as undeliverable with the notation that Plaintiff is a parolee or on parole. ECF. Nos. 4, 7. The Court is unable to locate Plaintiff in the California Department of Corrections and Rehabilitation (CDCR) Inmate Locator.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* must promptly file a notice of change of address while an action is pending. *See* N.D. Cal. L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b). The first court notice was returned as undeliverable on June 30, 2022. ECF. No. 4. More than sixty days have passed since the mail addressed to Plaintiff was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address.

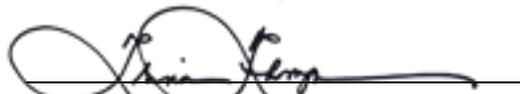
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, the instant civil rights action is DISMISSED without prejudice pursuant to N.D. Cal. L. R. 3-11.

The Clerk shall terminate any pending motions, enter judgment, and close the file.

IT IS SO ORDERED.

Dated: September 19, 2022



TRINA L. THOMPSON
United States District Judge