

1 IN THE UNITED STATES DISTRICT COURT
2
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4
5 JUAN VILLA RAMIREZ,

No. C 07-04681 SBA (PR)

6 Plaintiff,

**ORDER DIRECTING PLAINTIFF TO
SHOW CONTINUED INTENT TO
PROSECUTE THIS ACTION AND TO
PROVIDE COURT WITH CURRENT
ADDRESS**

7 v.

8 JAMES TILTON, et al.,

9 Defendants.

10 Plaintiff filed the instant pro se civil rights complaint under 42 U.S.C. § 1983.

11 Pursuant to Federal Rule of Civil Procedure 41(b), a district court may sua sponte dismiss an
12 action for failure to prosecute or to comply with a court order. See Link v. Wabash R.R., 370 U.S.
13 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991). But such a dismissal
14 should only be ordered when the failure to comply is unreasonable. See id. A district court should
15 afford the litigant prior notice of its intention to dismiss. See Malone v. United States Postal Serv.,
16 833 F.2d 128, 133 (9th Cir. 1987). Pursuant to Northern District Local Rule 3-11, a party
17 proceeding pro se whose address changes while an action is pending must promptly file and serve
18 upon all opposing parties a notice of change of address specifying the new address. See L.R. 3-
19 11(a). The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail
20 directed to the attorney or the pro se party by the court has been returned to the court as not
21 deliverable, and (2) the court fails to receive within sixty days of this return a written
22 communication from the attorney or pro se party indicating a current address. See L.R. 3-11(b).

23
24 In the instant case, it has been ten months since Plaintiff has communicated with the Court.
25 Plaintiff filed a letter on April 1, 2008, and he has not communicated with the Court since that date.
26 Accordingly, it is in the interests of justice and judicial efficiency for the Court to establish
27 Plaintiff's current address and whether he intends to continue to prosecute this action.
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In light of the foregoing, Plaintiff shall file with the Court a notice of his current address and his continued intent to prosecute no later than **fourteen (14) days** from the date of this Order. Failure to timely do so shall result in **dismissal of this action without prejudice** under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: 2/20/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 JUAN VILLA RAMIREZ,

5 Plaintiff,

6 v.

7 JAMES TILTON et al,

8 Defendant.

Case Number: CV07-04681 SBA

CERTIFICATE OF SERVICE

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

11 That on February 20, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Juan Villa Ramirez T-24667
16 California State Prison - San Quentin
17 4-EY-22
18 San Quentin, CA 94974

19 Dated: February 20, 2009

20 Richard W. Wieking, Clerk
21 By: LISA R CLARK, Deputy Clerk