

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

3 DENNIS E. KELLOGG,

No. C 10-05802 SBA (PR)

4 Plaintiff,

**ORDER OF DISMISSAL WITHOUT  
 PREJUDICE**

5 v.

6 STATE OF CALIFORNIA,

7 Defendant.


8  
 9 Plaintiff, a former state prisoner, filed the present pro se prisoner complaint under 42 U.S.C.  
 10 § 1983. After being released from prison on January 17, 2011, he had informed the Court that his  
 11 new address was 3500 Data Drive, #233, Rancho Cordova, California 95670. (Pl.'s Letter dated Jan.  
 12 20, 2011 at 1.) However, on March 7, 2011, mail directed to Plaintiff at that address was returned to  
 13 the Clerk of the Court with the notation "ATTEMPTED, NOT KNOWN." It appears that delivery  
 14 was attempted, but Plaintiff was not known at that address. To date, Plaintiff has not updated his  
 15 address with the Court or submitted any further pleadings in this case.

16 Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address  
 17 changes while an action is pending must promptly file a notice of change of address specifying the  
 18 new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when:  
 19 (1) mail directed to the pro se party by the court has been returned to the court as not deliverable,  
 20 and (2) the court fails to receive within sixty days of this return a written communication from the  
 21 pro se party indicating a current address. See L.R. 3-11(b).

22 More than sixty days have passed since the mail directed to Plaintiff by the Court was  
 23 returned as not deliverable. The Court has not received a notice from Plaintiff of a new address.  
 24 Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern  
 25 District Local Rules. The Court has rendered its final decision on this matter, therefore, this Order  
 26 TERMINATES Plaintiff's case.

27 IT IS SO ORDERED.

28 DATED: 5/10/11

  
 SAUNDRA BROWN ARMSTRONG  
 United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DENNIS E KELLOGG,  
Plaintiff,

Case Number: CV10-05802 SBA

**CERTIFICATE OF SERVICE**

v.

STATE OF CALIFORNIA et al,  
Defendant.

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

That on May 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dennis E. Kellogg  
3500 Data Dr.  
#233  
Rancho Cordova, CA 95670

Dated: May 13, 2011

Richard W. Wiekling, Clerk  
By: LISA R CLARK, Deputy Clerk