

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

3 JAMES MALLO,

No. C 11-01606 SBA (PR)

4 Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

5 v.

6 PRISON INDUSTRY AUTHORITY, et al.,

7 Defendants.
8 _____/

9 Plaintiff, a former state prisoner, filed the present pro se prisoner complaint under 42 U.S.C.
10 § 1983. On May 17, 2011, mail directed to Plaintiff by the Court was returned to the Clerk of the
11 Court with a notation that the "reason item is being returned" was because Plaintiff had been
12 "paroled." To date, Plaintiff has not updated his address with the Court or submitted any further
13 pleadings in this case.

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

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

25 This Order terminates Docket no. 3.

26 IT IS SO ORDERED.

27 DATED: 7/20/11

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SAUNDRA BROWN ARMSTRONG
United States District Judge

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

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5
6 JAMES MALLO,

Case Number: CV11-01606 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 PRISON INDUSTRY et al,

10 Defendant.

11

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

14 That on July 21, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 James Mallo G-49921
19 Correctional Training Facility, North
P.O. Box 705
Soledad, CA 93960-0705

20 Dated: July 21, 2011

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

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