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

PATRICK D. BURKE,  
Plaintiff,

No. C 11-02639 YGR (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

vs.

JOSE CALDWELL,  
Defendant.

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Plaintiff, a state prisoner, filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. On August 14, 2012, mail directed to Plaintiff by the Court was returned to the Clerk of the Court as undeliverable with the following notation: "RETURN TO SENDER, ATTEMPTED -- NOT KNOWN, UNABLE TO FORWARD." (Docket No. 35.) Accordingly, in an Order dated September 14, 2012, the Court determined that it was in the interests of justice and judicial efficiency for the Court to establish Plaintiff's current address and whether he intended to continue to prosecute this action. The Court informed Plaintiff that if he failed to do so within thirty days, this action would be dismissed without prejudice for failure to prosecute. The Court then directed the Clerk to send its September 14, 2012 Order to Plaintiff at his last-known address, and it further noted: "If this Order is also returned as undeliverable, the Court will dismiss this action pursuant to Northern District Local Rule 3-11 after October 15, 2012 -- sixty days from August 14, 2012, the date the Court's July 20, 2012 Order was returned as undeliverable." (Sept. 14, 2012 Order at 3 (citing L.R. 3-11(b)).)

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On October 5, 2012, the Court's September 14, 2012 Order was returned undeliverable with the same notation indicated above: "RETURN TO SENDER, ATTEMPTED -- NOT KNOWN, UNABLE TO FORWARD." (Docket No. 37.)

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To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

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

7 More than sixty days have passed since the mail directed to Plaintiff by the Court was  
8 returned as undeliverable on August 14, 2012 and October 5, 2012. The Court has not received a  
9 notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without  
10 prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk of the Court shall  
11 enter judgment, terminate all pending motions, and close the file.

12 IT IS SO ORDERED.

13 DATED: January 15, 2013

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

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