

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

MICHAEL HENDERSON, SR.,

No. C 13-00765 SBA (PR)

Plaintiff,

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

v.

DR. RAINA, et al.,

Defendants.

United States District Court
For the Northern District of California

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

Pursuant to Federal Rule of Civil Procedure 41(b), a district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order. See Link v. Wabash R.R., 370 U.S. 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991). However, a district court should afford the litigant prior notice of its intention to dismiss. See Malone v. United States Postal Serv., 833 F.2d 128, 133 (9th Cir. 1987).

Pursuant to Northern District Local Rule 3-11, a party proceeding pro se whose address changes while an action is pending must promptly file and serve upon all opposing parties a notice of change of address specifying the new address. See L.R. 3-11(a). The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or 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 attorney or pro se party indicating a current address. See L.R. 3-11(b).

In the instant case, it has been almost a year since Plaintiff has communicated with the Court. Plaintiff filed his prison trust account statement from Santa Rita Jail (where he was being housed) on March 7, 2013, and he has not communicated with the Court since that date. Dkt. 4. In addition, in Plaintiff's other civil rights action -- Case No. C 13-1011 SBA

1 (PR) -- mail delivered to Plaintiff at Santa Rita Jail was returned as undeliverable. Dkt. 5 in
2 Case No. C 13-1011 SBA (PR). The returned envelope indicates that Plaintiff was "NOT IN
3 CUSTODY." Id. Accordingly, it is in the interests of justice and judicial efficiency for the
4 Court to establish Plaintiff's current address and whether he intends to continue to prosecute
5 this action.

6 In light of the foregoing, Plaintiff shall file with the Court a notice of his current
7 address and his continued intent to prosecute no later than **twenty-eight (28) days** from the
8 date of this Order. **Failure to timely do so shall result in dismissal of this action without**
9 **prejudice under Federal Rule of Civil Procedure 41(b).**

10 IT IS SO ORDERED.

11 DATED: 1/29/2014


SAUNDRA BROWN ARMSTRONG
United States District Judge