

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RUBEN GUERRERO,  
Plaintiff,  
v.  
SHERIFF MICHAEL HENNESSY, et al.,  
Defendants.

Case No. [16-cv-03660-DMR](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

Plaintiff filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. Dkt. 1.

Plaintiff has consented to magistrate judge jurisdiction, and this matter has been assigned to the undersigned Magistrate Judge. Dkt. 4.

On November 8, 2016, the court conducted an initial screening of the complaint pursuant to 28 U.S.C. § 1915A(a), and dismissed it with leave to amend. Dkt. 5.

On November 28, 2016, the copy of the court’s November 8, 2016 Order that was mailed to Plaintiff was returned as undeliverable to the Clerk of the Court with the following notations: “RETURN TO SENDER” and “UNABLE TO FORWARD.” Dkt. 7. Clerk’s Office staff has been informed that Plaintiff was released from custody on November 2, 2016. To date, Plaintiff has not updated his address with the court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The court may dismiss without prejudice a complaint when: (1) mail directed to 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 *pro se* party indicating a current address. *See* L.R. 3-11(b).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

More than sixty days have passed since the mail directed to Plaintiff by the court was returned as undeliverable. The court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: January 30, 2017



---

DONNA M. RYU  
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 RUBEN GUERRERO,  
4 Plaintiff,

5 v.

6 HENNESSY, et al.,  
7 Defendants.  
8

Case No. [4:16-cv-03660-DMR](#)

**CERTIFICATE OF SERVICE**

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

11  
12 That on January 30, 2017, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Ruben Guerrero ID: SF 516269  
18 P.O. Box 67  
San Bruno, CA 94066

19 Dated: January 30, 2017  
20

21 Susan Y. Soong  
22 Clerk, United States District Court

23  
24  
25 

26 By: \_\_\_\_\_  
Ivy Lerma Garcia, Deputy Clerk to the  
27 Honorable DONNA M. RYU  
28

United States District Court  
Northern District of California