

1  
2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 GERROD L. HERNDON,  
6 Petitioner,  
7  
8 v.  
9 STAFF PSYCHOLOGIST,  
10 Respondent.

Case No. [16-cv-05034-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

11 The instant case was commenced when Petitioner Gerrod L. Herndon, who at that time had  
12 been in custody at the Richard J. Donovan Correctional Facility (“RJDCF”), filed a document  
13 captioned “Petition for a Writ of Habeas Corpus.” Dkt. 1. Petitioner also filed a motion for leave  
14 to proceed *in forma pauperis*. Dkt. 3. On October 18, 2016, mail directed to Petitioner at RJDCF  
15 by the Clerk of the Court was returned as undeliverable with a notation that he had been “paroled.”  
16 To date, Petitioner has not updated his address with the Court or submitted any further pleadings  
17 in this case.

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

24 More than sixty days have passed since the mail directed to Petitioner was returned as  
25 undeliverable. The Court has not received a notice from Petitioner of a new address.  
26 Accordingly, the petition is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern  
27 District Local Rules. The Clerk shall enter judgment, terminate all pending motions, and close the  
28 file.

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

This Order terminates Docket No. 3.

IT IS SO ORDERED.

Dated: January 9, 2017



YVONNE GONZALEZ ROGERS  
United States District Court Judge