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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REX MCCURDY,)	No. C 06-02830 JF (PR)
)	
Plaintiff,)	ORDER TO PROVIDE COURT
)	WITH CURRENT ADDRESS
vs.)	
)	
GARY SIMPSON, et al.,)	
)	
Defendants.)	

Plaintiff filed the instant pro se civil rights complaint under 42 U.S.C. § 1983. A copy of the Court’s “Order Addressing Pending Motions” (Docket No. 50) was mailed to Plaintiff at his last known address, but the order was returned on March 31, 2009, as undeliverable because Plaintiff was no longer in custody. (See Docket No. 51.)

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). But such a dismissal should only be ordered when the failure to comply is unreasonable. See id. 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

1 whose address changes while an action is pending must promptly file and serve upon all
2 opposing parties a notice of change of address specifying the new address. See L.R. 3-
3 11(a). The Court may, without prejudice, dismiss a complaint or strike an answer when:
4 (1) mail directed to the attorney or the pro se party by the court has been returned to the
5 court as not deliverable, and (2) the court fails to receive within sixty days of this return a
6 written communication from the attorney or pro se party indicating a current address. See
7 L.R. 3-11(b).

8 In light of the foregoing, Plaintiff shall inform the Court of his current address no
9 later than **thirty (30) days** from the date of this Order. Failure to timely do so shall result
10 in **dismissal of this action without prejudice** under Local Rule 3-11(b) and Federal Rule
11 of Civil Procedure 41(b).

12 IT IS SO ORDERED.

13
14 DATED: 4/24/09

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16 JEREMY FOGEL
17 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

REX A. MCCURDY,
Plaintiff,

Case Number: CV06-02830 JF

CERTIFICATE OF SERVICE

v.

GARY L. SIMPSON, et al.,
Defendants.

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

That on 4/29/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rex A. McCurdy 000035-6
Napa County Jail
1111 Third Street
Napa, CA 94559

Dated: /s/

Richard W. Wieking, Clerk