

E-FILED - 9/8/09

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

TROY ANTHONY ROBERTS,) No. C 08-4771 RMW (PR)
Plaintiff,)
vs.) ORDER DIRECTING
LT. PAULSON, et al.,) PLAINTIFF TO UPDATE HIS
Defendants.) ADDRESS OR FACE
) DISMISSAL FOR FAILURE TO
) PROSECUTE

On October 17, 2008, plaintiff, a state prisoner then incarcerated at San Quentin State Prison and proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983 against numerous officials of San Francisco County Jail. On December 15, 2008, the court served the complaint upon named defendants. Defendants' dispositive motion is currently due on September 24, 2009.

On July 27, 2009, defendants moved to dismiss the complaint because plaintiff failed to update his current address. Defendants claim that they are unable to engage in discovery, depose plaintiff, and prepare a defense because plaintiff was released from San Quentin State Prison on July 13, 2009. Defendants also allege that they do not know plaintiff's whereabouts.

Plaintiff has neither notified the court of his release nor updated his address. Pursuant to the Civil Local Rules of this district, “a party proceeding pro se whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice

1 of Change of Address specifying the new address.” See Civ. L. R. 3-11(a). Additionally, in its
2 original Order of Service issued in this matter on December 15, 2008, the court informed
3 plaintiff of his continuing obligation to prosecute this action, as follows:

4 It is plaintiff’s responsibility to prosecute this case. . . . Plaintiff must keep the
5 court and all parties informed of any change of address and must comply with the
6 court’s orders in a timely fashion. Failure to do so may result in the dismissal of
7 this action for failure to prosecute pursuant to Federal Rule of Civil Procedure
8 41(b).

9 (Docket No. 6, p. 5.)

10 Here, plaintiff has not communicated with the court since filing his motion for
11 appointment of counsel on July 16. Defendants have apprised the court that plaintiff was
12 released from San Quentin State Prison on July 13. Consequently, it appears that plaintiff has not
13 kept the court informed of his current address and that the action is thus subject to dismissal for
14 failure to prosecute.

15 Accordingly, within **twenty (20) days** of the date this order is filed, plaintiff shall notify
16 the court and defendants of his current address. If plaintiff fails to do so, this action will be
17 dismissed for failure to prosecute, based on plaintiff’s failure to keep the court informed of his
18 current address and plaintiff’s failure to comply with the court’s orders. The clerk shall serve a
19 copy of this order on plaintiff at his most recent address of record at San Quentin State Prison.

20 IT IS SO ORDERED.

21 DATED: 9/4/09

22 
23 RONALD M. WHYTE
24 United States District Judge