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NOT FOR CITATION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

ARTEAGA LORENZO,

Plaintiff,

vs.

PEOPLE OF THE STATE OF
CALIFORNIA,

Defendant.

No. C 09-02356 JF (PR)

ORDER OF DISMISSAL

Plaintiff filed a “notice of removal” transferring this action from Santa Clara County Superior Court on May 28, 2009. Plaintiff did not submit a complaint or petition, so on the same day, the Clerk sent Plaintiff a notice directing him to file a complaint or petition within thirty days or the action would be dismissed. (See Docket No. 2.) Plaintiff was also separately notified that his In Forma Pauperis Application, (Docket No. 3), was insufficient because he did not use the correct form. (See Docket No. 4.) On June 18, 2009, Plaintiff filed an in forma pauperis application using the correct form, (Docket No. 5), but to date has not filed a complaint or petition.

In the interest of justice, the Court granted Plaintiff an extension of time to file a

1 complaint or petition using the court forms. Plaintiff was directed to file a complaint or
2 petition within **thirty (30) days** from the date of the order. On September 3, 2009, the
3 notice mailed to Plaintiff was returned by mail to the Clerk of the Court as undeliverable
4 because Plaintiff was no longer in custody. (Docket No. 7.) As of the date of this order,
5 Plaintiff has not updated his address with the Court or submitted any further pleadings in
6 this case.

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

13 More than sixty days have passed since the Court's order addressed to Plaintiff
14 was returned as undeliverable. The Court has not received a notice from Plaintiff of a
15 new address. Accordingly, the instant civil rights action is DISMISSED without
16 prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

17 The Clerk shall terminate any pending motions.

18 IT IS SO ORDERED.

19 DATED: 12/3/09

20 
JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ARTEAGA LORENZO,
Plaintiff,

Case Number: CV09-02356 JF

CERTIFICATE OF SERVICE

v.

PEOPLE OF THE STATE OF CALIFORNIA,
Defendant.
_____ /

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 12/21/09, 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.

Arteaga Lorenzo 08057882
Santa Clara County Jail
885 N. San Pedro Street
San Jose, CA 95110

Dated: 12/21/09

Richard W. Wieking, Clerk