

United States District Court
For the Northern District of California

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

DERRICK C. ROBERTSON,
Plaintiff,
v.

No. C 08-03061 CW (PR)
ORDER OF DISMISSAL WITHOUT
PREJUDICE

COUNTY OF SAN MATEO SHERIFF'S
DEPARTMENT, et al.,
Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. Petitioner's motion for leave to proceed in forma pauperis has been granted. On July 2, 2009, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. 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, without prejudice,

1 dismiss a complaint when: (1) mail directed to the pro se party by
2 the court has been returned to the court as not deliverable, and
3 (2) the court fails to receive within sixty days of this return a
4 written communication from the pro se party indicating a current
5 address. See L.R. 3-11(b).

6 More than sixty days have passed since the mail directed to
7 Plaintiff by the Court was returned as undeliverable. The Court
8 has not received a notice from Plaintiff of a new address.
9 Accordingly, the complaint is DISMISSED without prejudice pursuant
10 to Rule 3-11 of the Northern District Local Rules.

11 The Clerk shall enter judgment in accordance with this Order,
12 terminate all pending motions, and close the file.

13 IT IS SO ORDERED.

14 Dated: September 23, 2009



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DERICK C. ROBERTSON,
Plaintiff,

Case Number: CV08-03061 CW

CERTIFICATE OF SERVICE

v.

SAN MATEO COUNTY OF et al,
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 September 23, 2009, 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.

Derick C. Robertson
ID No. 118122
San Mateo County Jail
300 Bradford Street
Redwood City, CA 94063-1530

Dated: September 23, 2009

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk