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4                                          *E-FILED - 8/2/10*

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9                    IN THE UNITED STATES DISTRICT COURT

10                 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11   RANDALL DEAN HOLMES,                    )       No. C 09-3259 RMW (PR)
                                            )
12            Plaintiff,                     )       ORDER OF DISMISSAL
                                            )
13     v.                                    )
                                            )
14   D. CASTELLAW, Warden; et al.,           )
                                            )
15            Defendants.                    )
                                            )
16

17          Plaintiff filed a pro se civil rights action pursuant to 42 U.S.C. § 1983.  On March 23,

18   2010, the court granted defendants an extension of time to file a dispositive motion.  On March

19   25, 2010, the court ordered plaintiff to locate unserved defendants.  On April 23, 2010 and April

20   26, 2010, mail sent to plaintiff by the court was returned to the clerk of the court with a notation

21   that it was undeliverable as addressed and it was unable to be forwarded.  As of the date of this

22   order, plaintiff has not updated his address with the court nor submitted any further pleadings in

23   this case.

24          Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address

25   changes while an action is pending must promptly file a notice of change of address specifying

26   the new address.  See L.R. 3-11(a).  The court may, without prejudice, dismiss a complaint

27   when: (1) mail directed to the pro se party by the court has been returned to the court as not

28   deliverable, and (2) the court fails to receive within sixty days of this return a written

Order of Dismissal
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1 communication from the pro se party indicating a current address.  See L.R. 3-11(b).  More than

2 sixty days have passed since the mail sent to plaintiff by the court was returned as undeliverable.

3 The court has not received any notice from plaintiff updating his  address.  Accordingly, the

4 instant complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern

5 District Local Rules.  The clerk of the court shall terminate all pending motions and close the

6 file.

7        IT IS SO ORDERED.

8 DATED: _____7/30/10_____

_Ronald M. Whyte_
RONALD M. WHYTE
United States District Judge