

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DAVID G. SOTO,	)	No. C 10-4072 LHK (PR)
	)	
Plaintiff,	)	ORDER GRANTING MOTION
	)	TO DISMISS
v.	)	
	)	
DEPUTY JONES,	)	
	)	
Defendant.	)	

---

Plaintiff, proceeding *pro se*, filed the instant civil rights complaint pursuant to 42 U.S.C. § 1983. On November 10, 2010, the Court screened Plaintiff’s complaint and ordered service upon Defendant. On March 21, 2011, mail sent to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. As of the date of this order, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case. Defendant has filed a motion to dismiss on the ground that Plaintiff failed to update his address.

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

1 More than sixty days have passed since the mail sent to Plaintiff by the Court was  
2 returned as undeliverable. The Court has not received a notice from Plaintiff of a new address.  
3 Accordingly, Defendant's motion is GRANTED, and the instant complaint is DISMISSED  
4 without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk of the  
5 Court shall enter judgment and close the file.

6 IT IS SO ORDERED.

7 Dated: 5/24/11

  
8 LUCY H. KOH  
9 United States District Judge