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NOT FOR CITATION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

CLAUD M. THOMAS, JR.,)	No. C 10-04166 JF (PR)
Plaintiff,)	ORDER OF DISMISSAL
vs.)	
PRISON HEALTH SERVICES, et al.,)	
Defendants.)	(Docket No. 12)

Plaintiff, an inmate currently incarcerated at the Santa Rita Jail in Dublin, California, filed the instant civil rights action in pro se pursuant to 42 U.S.C. § 1983 against jail officials for constitutionally deficient medical care. Finding the complaint, liberally construed, stated cognizable claims, the Court ordered service upon Defendants on February 23, 2011. (Docket No. 4.)

On February 28, 2011, the copy of the order of service mailed to Plaintiff was returned by mail to the Clerk of the Court as undeliverable because Plaintiff was no longer in custody. (Docket No. 5.) As of the date of this order, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case. Defendants have filed a motion to dismiss for failure to prosecute under Federal Rule of Civil

1 Procedure 41(b). (Docket No. 12.) Defendants argue that the Court had advised Plaintiff
2 of his responsibility to notify the Court of a change of address in its Order of Service or
3 be subject to dismissal under Rule 41(b). (Docket No. 12.) The Court will deny the
4 motion as Plaintiff never received a copy of the Order of Service, which was returned as
5 undeliverable. *See supra* at 1.

6 However, the complaint is subject to dismissal under Northern District Local Rule
7 3-11, which requires a party proceeding *pro se* to promptly file a notice of change of
8 address while an action is pending. *See* L.R. 3-11(a). The Court may, without prejudice,
9 dismiss a complaint when: (1) mail directed to the *pro se* party by the Court has been
10 returned to the Court as not deliverable, and (2) the Court fails to receive within sixty
11 days of this return a written communication from the *pro se* party indicating a current
12 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 This order terminates Docket No. 12.

18 IT IS SO ORDERED.

19 DATED: 5/2/11
20 _____

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22 _____
23 JEREMY FOGEL
24 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CLAUD M. THOMAS, JR,
Plaintiff,

Case Number: CV10-04166 JF

CERTIFICATE OF SERVICE

v.

PRISON HEALTH SERVICES, et al.,
Defendants.

_____/

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 5/10/11, 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.

Claud M. Thomas AQI-083
Santa Rita Jail
5325 Broder Blvd
Dublin, CA 94568

Dated: 5/10/11

Richard W. Wieking, Clerk