

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

| | | |
|-------------------------|---|------------------------|
| RUSSELL DWAYNE RODGERS, |) | No. C 10-04490 JW (PR) |
| Plaintiff, |) | ORDER OF DISMISSAL |
| vs. |) | |
| MUNK, et al., |) | |
| Defendants. |) | |

On October 5, 2010, plaintiff filed the instant civil rights complaint in pro se. A stamped copy of the filed complaint and plaintiff’s motion for leave to proceed in forma pauperis was mailed to plaintiff the same day, but was returned as undeliverable on October 14, 2010. (See Docket No. 3.) As of the date of this order, plaintiff has not filed a notice of change of address or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se must promptly file a notice of change of address while an action is pending. 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 addressed to plaintiff was
2 returned as undeliverable. The Court has not received a notice from plaintiff of a new
3 address. Accordingly, the instant civil rights action is DISMISSED without prejudice
4 pursuant to Rule 3-11 of the Northern District Local Rules.

5 The clerk shall terminate any pending motions.

6
7 DATED: February 2, 2011 _____



JAMES WARE
United States District Chief Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RUSSELL DWAYNE RODGERS,
Plaintiff,

Case Number: CV10-04490 JW

CERTIFICATE OF SERVICE

v.

MUNK, 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 2/7/2011, 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.

Russell Dwayne Rodgers 202468
Maguire Correctional Facility
300 Bradford St.,
Redwood City, CA 94063

Dated: 2/7/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk