

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

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

MELVIN TURNER,	)	No. C 11-05624 EJD (PR)
	)	
Plaintiff,	)	ORDER OF DISMISSAL
	)	
vs.	)	
	)	
DEPT. OF CORRECTIONS AND	)	
REHABILITATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

18 Plaintiff filed the instant civil rights complaint in pro se pursuant to 42 U.S.C. §  
19 1983. On April 6, 2012, the Court dismissed the complaint with leave to amend. (See  
20 Docket No.) A stamped copy of the court order mailed to Plaintiff was returned as  
21 undeliverable on May 14, 2012, indicating that Plaintiff was “out to court.” (Docket No.  
22 10.) Thereafter, the Court attempted re-delivery four more times, each with the same  
23 notice of non-delivery that Plaintiff was out to court. (See Docket Nos. 11, 12, 13 & 14.)  
24 As of the date of this order, Plaintiff has not filed a notice of change of address or  
25 submitted any further pleadings in this case.

26 Pursuant to Northern District Local Rule 3-11 a party proceeding pro se must  
27 promptly file a notice of change of address while an action is pending. See L.R. 3-11(a).  
28 The Court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro

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

4 More than sixty days have passed since the first mail addressed to Plaintiff was  
5 returned as undeliverable. The Court has not received a notice from Plaintiff of a new  
6 address. Accordingly, the instant civil rights action is DISMISSED without prejudice  
7 pursuant to Rule 3-11 of the Northern District Local Rules.

8 The Clerk shall terminate any pending motions.

9  
10 DATED: 8/31/2012

  
11 EDWARD J. DAVILA  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 MELVIN TURNER,  
6 Plaintiff,  
7

Case Number: CV11-05624 EJD

**CERTIFICATE OF SERVICE**

8 v.

9 DEPARTMENT OF CORRECTIONS AND  
REHABILITATION et al,  
10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
Court, Northern District of California.

13 That on September 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 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.

16  
17 Melvin Turner B-78955  
18 San Quentin State Prison  
San Quentin, CA 94974

19 Dated: September 4, 2012

20 Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk  
21  
22  
23  
24  
25  
26  
27  
28