

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BRIAN JOHN GILLESPIE,

Plaintiff,

vs.

LINCOLN COUNTY SHERIFF'S
OFFICE; LINCOLN COUNTY
MONTANA; LINCOLN COUNTY
DEPUTY SHERIFF JOHN DOE,

Defendants.

CV 17-60-M-DLC-JCL

ORDER and FINDINGS AND
RECOMMENDATION

Pro se Plaintiff Brian John Gillespie filed his Complaint in this case on May 5, 2017. (Doc. 1). He identified his mailing address as: W1222 70th St., Maiden Rock, Wisconsin, 54750. On 5, 2017, the Court mailed a document – Notice of Case Opening – through the United States Postal Service to Gillespie at the address set forth above. The content of the Notice advises a litigant of various procedural matters, including a litigant's obligation to inform the Court of any change of address. The Notice, however, was returned to the Court on May 15,

2017, by the United States Postal Service with the notation:

RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD

(Doc. 6).

Because the Court's mailing described above was returned to the Court, and because Gillespie has not informed the Court of any change of address, this action is now subject to dismissal. Rule 5.2 of the Local Rules for the District of Montana provide as follows:

(a) Address Changes. An attorney or self-represented party whose e-mail, post office box or physical mailing address changes while an action is pending must promptly file with the court and serve upon all other parties a Notice of Change of Address specifying the new address for service.

(b) Dismissal Due to Failure to Notify. The court may dismiss a complaint without prejudice or strike an answer when:

(1) a document directed to the attorney or self-represented party by the court has been returned to the court as not deliverable; and

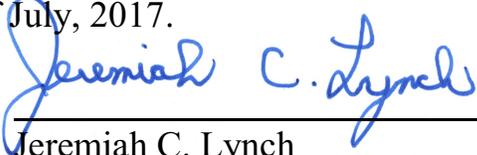
(2) the court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service.

The Notice of Case Opening that the Court mailed to Gillespie was returned to the Court on May 15, 2017, as undeliverable. Within the 60-day period following that date, and as of the date of this recommendation, Gillespie has not provided the Court with a written notice informing it of his change of address.

Therefore, IT IS HEREBY RECOMMENDED that this action be
DISMISSED without prejudice pursuant to L.R. 5.2(b).

Furthermore, IT IS ORDERED that the preliminary pretrial conference set
for August 1, 2017 is VACATED.

DATED this 26th day of July, 2017.



Jeremiah C. Lynch
United States Magistrate Judge