

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DENYS ALEXANDER RIVERA,

Plaintiff,

vs.

RANDY WARE, Case Worker;

Defendants.

**4:16CV3180**

**ORDER**

A conference call was scheduled for yesterday, with both parties given toll-free instructions to participate. (Filing No. 31). The order setting the conference call was mailed to Plaintiff's address of record. That mailing was returned as undeliverable. (Filing No. 33).

Judge Kopf entered an order on December 8, 2017, requiring Plaintiff to update his address by January 8, 2017. (Filing No. 34). That order, also sent to Plaintiff's address of record, was returned as undeliverable. (Filing No. 36).

Yesterday's conference call was convened. Defendant attended; Plaintiff did not, and Plaintiff did not contact the court yesterday to explain his absence.

During the call, Defendant Ware advised that Plaintiff's current address may have changed to 1625 E. Street, # 15, Lincoln, NE 68502. Defendant's notice of intent to serve a subpoena was mailed to that address by certified mail, return receipt requested. (Filing No. 32). While Defendant did not receive a signed return receipt, the mailing was also not returned as undeliverable.

Accordingly,

IT IS ORDERED:

- 1) As previously ordered, Plaintiff is given until January 8, 2018 to update his address with the court. The failure to timely comply with this order will result in dismissal of Plaintiff's claims for want of prosecution and for failure to comply with the Court's rules and orders, with prejudice and without further notice.
- 2) The clerk shall mail this order to Defendant at his address of record, and to Plaintiff at both his address of record and to 1625 E. Street, # 15, Lincoln, NE 68502.
- 3) The clerk shall not modify the docket sheet at this time to reflect a new address for Plaintiff.

December 20, 2017.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge