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 UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ROBERT CRAWFORD,

Plaintiffs,

OFFICER D'ANGELO; KIM CRAWFORD; SALVATORE CUDEMO; PASQUALE CUDEMO; KENNETH LEE,

Defendants.

Case No. 2:13-cv-01350-APG-VCF

ORDER DISMISSING CASE

On December 9, 2013, defendant Kathleen Vincent D'Angelo filed a Notice of Returned Mail and Motion to Dismiss for Failure to Comply with the Federal Rules of Civil Procedure and the Local Rules of Practice. [Dkt. #10.] D'Angelo points out that, since this case was removed to federal court, all of the documents D'Angelo has served upon Plaintiff's address listed on his Complaint have been returned marked "Not at this address." [Id. at 2:13-22.] Nor has D'Angelo's counsel had any contact with Plaintiff. [Id.] Further, Plaintiff did not file any opposition to D'Angelo's motion. Local Rule 7-2(d) states that "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion."

It is the Plaintiff's responsibility to keep the Court and parties advised as to his current address. Plaintiff's failure to do so is grounds for dismissal. Specifically, Local Rule 2-2 states:

A plaintiff proceeding pro se shall immediately file with the Clerk written notification of any change of address. Said notification must include proof of service upon the opposing party or the party's attorney. Failure to comply with this Rule may result in dismissal of the action with prejudice.

Plaintiff has neither continued to prosecute this action nor provided the Court and parties with an updated address for service.

Furthermore, on November 19, 2013, Plaintiff was advised by the court that this action would be dismissed without prejudice as to defendants Kim Crawford, Salvatore Cudemo, Pasquale Cudemo, and Kenneth Lee unless on or before December 19, 2013 Plaintiff filed proper proof of service upon those defendants, or show good cause why such service was not timely made. Plaintiff has failed to do so. Nor has Plaintiff shown cause why this action should not be dismissed without prejudice as to those defendants for failure to effect timely service pursuant to FRCP 4(m).

Based on the foregoing, Plaintiff has demonstrated a failure to prosecute his claim and to comply with this district's Local Rules of Practice. As such, the instant action shall be dismissed.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-entitled action be, and hereby is, DISMISSED without prejudice.

Dated: January 29, 2014.

ANDREW P. GORDON UNITED STATES DISTRICT JUDGE