

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Keiton Smith,

5 Plaintiff

6 v.

7 Lorenzo Villegas, et al.,

8 Defendants
9

Case No. 2:22-cv-00872-CDS-EJY

**Order Extending Deadline for Plaintiff to
File Proof of Service**

10 In February 2024, plaintiff Keiton Smith notified the court that he had moved to the
11 Northern Nevada Correctional Center (NVCC). ECF No. 109. On April 5, the Clerk of Court
12 issued a notice of intent to dismiss under Fed. R. Civ. P. 4(m) as to defendants Dr. Cheryl and
13 Dennis McKee. ECF No. 110. The notice was distributed to Smith by electronic service through
14 the NVCC Law Library. Three days later, that notice was returned as undeliverable. ECF No. 111.
15 Based on the returned notice, it appears that Smith is currently housed at the Southern Desert
16 Correctional Center (SDCC). *Id.* Because Smith did not receive the notice of intent to dismiss, I
17 sua sponte extend the deadline for Smith to file proof of service as to Dr. Cheryl and Dennis
18 McKee to June 5, 2024. Failure to comply will result in their dismissal without further notice.

19 Smith has failed to update his address. Whether he was never transferred to NVCC or
20 was transferred and then moved back to SDCC, Smith failed to keep his address current with
21 the court. “A party, not the district court, bears the burden of keeping the court apprised of any
22 changes in his mailing address.” *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988); *see also In re*
23 *Hammer*, 940 F.2d 524, 526 (9th Cir. 1991). To that end, the local rules require that litigants
24 immediately file with the court written notification of any change of address, and expressly
25 warn that failure to do so may result in case-dispositive sanctions. *See* Local Rule IA 3-1. Smith is
26 ordered to file a change of address with the court that reflects his current housing by May 28,

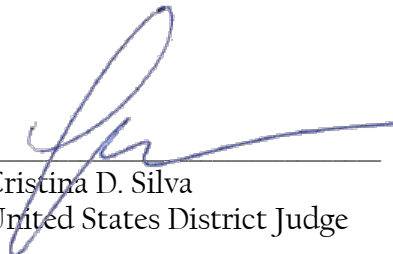
1 2024. Failure to comply with this order may result in the imposition of case-dispositive
2 sanctions.

3 **Conclusion**

4 Smith is ORDERED to file a notice of changed address by May 28, 2024. Smith is
5 furthered ORDERED to file proof of service as to Dr. Cheryl and Dennis McKee by June 5, 2024.

6 The Clerk of Court is kindly instructed to serve this order on Smith through the
7 Southern Desert Correctional Center Law Library.

8 Dated: May 8, 2024

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11 Cristina D. Silva
12 United States District Judge