

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

\* \* \*

MICHAEL DWAYNE BYARS,

Petitioner,

v.

BRYAN WILLIAMS, SR., *et al.*,

Respondents.

Case No. 3:15-cv-00388-RCJ-VPC

ORDER

In this habeas corpus action, brought *pro se* by Michael Dwayne Byars, the Court entered an order on January 29, 2018, ruling on the respondents' motion to dismiss, and dismissing one of Byars' claims (ECF No. 39).

The address that the Court currently has for Byars is 1001 N. 4th St., Las Vegas NV, 89101. See Notice of Change of Address, filed June 12, 2017 (ECF No. 34). The Clerk of the Court sent a copy of the January 29, 2018, order to Byars at the Las Vegas address that he has provided to the Court; however, on March 5, 2018, the copy of the order sent to Byars was received back at the Court, with indications that it was not deliverable, and that it could not be forwarded (ECF No. 40).

Local Rule LR IA 3-1 states that a *pro se* litigant must immediately file written notice of any change of mailing address, and that "[f]ailure to comply with this rule may result in the dismissal of the action...." LR IA 3-1.

1           Therefore, on March 6, 2018, the Court entered an order (ECF No. 41) requiring  
2 Byars to either file a notice confirming that his address is 1001 N. 4th St., Las Vegas NV,  
3 89101, or file a notice of change of address stating his new address. The Court granted  
4 Byars 30 days to file one of the two notices. See Order entered March 6, 2018 (ECF No.  
5 41). The Court ordered that if Byars failed to comply, this case would be dismissed  
6 pursuant to LR IA 3-1.

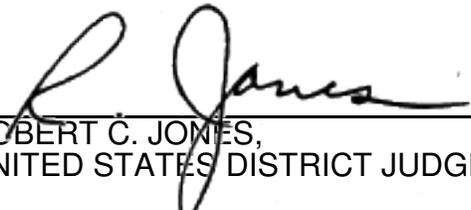
7           Byars did not file a notice regarding his address as required by the March 6, 2018,  
8 order, and he did not take any other action. Therefore, this action will be dismissed  
9 pursuant to LR IA 3-1.

10           **IT IS THEREFORE ORDERED** that this action is **DISMISSED**.

11           **IT IS FURTHER ORDERED** that the petitioner is denied a certificate of  
12 appealability.

13           **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
14 accordingly.

15  
16           DATED THIS 16th day of April, 2018.

17  
18             
19           \_\_\_\_\_  
20           ROBERT C. JONES,  
21           UNITED STATES DISTRICT JUDGE  
22  
23  
24  
25  
26  
27  
28