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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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CHRISTOPHER I. STREET,

Case No. 3:16-cv-00266-RCJ-WGC

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Plaintiff,

**ORDER**

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v.

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ISIDRO BACA, et. al.,

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Defendants.

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Plaintiff was an inmate in the custody of the Nevada Department of Corrections (NDOC) when he filed his pro se civil rights action pursuant to 42 U.S.C. § 1983. According to Defendants, Plaintiff was discharged from NDOC in June of 2017. On July 7, 2017, Plaintiff filed a notice of change of address. (ECF No. 22.) Defendants filed a motion for summary judgment on October 5, 2017, but it was not served to the proper address. The *Klinge* order, advising Plaintiff of the requirements for opposing a motion for summary judgment was served to the address of record. Plaintiff did not oppose or otherwise advise the court of an intention to continue prosecuting this action.

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On February 20, 2018, the court issued an order directing the Clerk to send Plaintiff a copy of the motion for summary judgment, supporting declarations and exhibits, sealed medical records, and pending motion for leave to file medical records under seal, as well as another copy of the *Klinge* order. (ECF No. 29.) The court then gave Plaintiff twenty-one days to file a response to the motion for summary judgment.

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Plaintiff has not filed a response.

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The court has the power to sua sponte dismiss an action for failure to prosecute it. *See* Fed. R. Civ. P. 41(b); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (citation omitted); *Pearson v. Dennison*, 353 F.2d 24, 28 (9th Cir. 1965) (citation omitted) (acknowledging court had power to

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1 dismiss under its local rule). In addition, Local Rule 41-1 provides that a civil action that has been  
2 pending for more than 270 days without any proceeding of record may, after notice, be dismissed  
3 for want of prosecution by the court sua sponte.

4 It has been 270 days since Plaintiff filed his notice of change of address, with no other  
5 filing by Plaintiff indicating an intent to prosecute this action.

6 Plaintiff has **FOURTEEN DAYS** from the date of this Order to file and serve a notice of  
7 intent to prosecute this action, along with a response to Defendants' motion for summary  
8 judgment. A failure to do so will result in a recommendation that this action be dismissed with  
9 prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

10 **IT IS SO ORDERED.**

11 DATED: April 3, 2018.

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WILLIAM G. COBB  
14 UNITED STATES MAGISTRATE JUDGE  
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