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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 JOHN LITTLE,

12 Plaintiff,

13 v.

14 JANET HALL, et al.,

15 Defendants.

Case No. 08-cv-0681-RSM-JPD

REPORT AND RECOMMENDATION

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17 Plaintiff John Little is proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983
18 civil rights action against three Snohomish County Jail employees. Dkt. No. 6. At the time he
19 filed his complaint, Plaintiff was incarcerated in the Snohomish County Jail in Everett,
20 Washington. Plaintiff's amended complaint centers on his allegation that he was subjected to
21 cruel and unusual punishment when he was denied use of a walker at the Snohomish County
22 Jail. *Id.* Plaintiff identified Janet Hall, Sergeant Fred Young, and Steve Thompson, the
23 director of the Snohomish County Jail, as defendants. *Id.*

24 On October 23, 2008, Defendants filed a motion for summary judgment. Dkt. No. 16.
25 Plaintiff never responded to Defendants' motion. On December 12, 2008, Plaintiff filed a
26 motion for extension of time to prosecute and reinstate discovery proceedings, Dkt. No. 23,

REPORT AND RECOMMENDATION
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1 which was denied by this Court, Dkt. No. 29. On January 8, 2009, the copy of the Court's
2 order denying Plaintiff's motion for extension of time to prosecute and reinstate discovery
3 proceedings, which was mailed to Plaintiff at the Snohomish County Jail, was returned as
4 undeliverable. Dkt. No. 30. In addition, on December 17, 2008, Plaintiff filed a motion for a
5 copy of the entire record, Dkt. No. 28, which was denied by this Court, Dkt. No. 31. On
6 January 21, 2009, the copy of the Court's order denying Plaintiff's motion for the entire record,
7 which was mailed to Plaintiff at the Snohomish County Jail, was also returned as
8 undeliverable. Dkt. No. 32. To date, Plaintiff has not provided the court with a new address,
9 nor has he responded to Defendants' motion for summary judgment.

10 Because well over sixty days have elapsed since mail directed to Plaintiff at his address
11 of record was first returned to the court by the post office as undeliverable, and because
12 Plaintiff has not notified the Court of his current address, this action is DISMISSED without
13 prejudice for failure to prosecute pursuant to Local Rule CR 41(b)(2). A proposed order
14 accompanies this Report and Recommendation.

15 DATED this 26th day of March, 2009.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge
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