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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERNEST BRUTON,	)	
	)	
Plaintiff,	)	Case No. C10-780-RAJ-BAT
v.	)	
	)	<b>REPORT AND</b>
AUBURN CITY POLICE DEPARTMENT, et	)	<b>RECOMMENDATION</b>
al.,	)	
	)	
Defendants.	)	

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The Court ordered plaintiff Ernest Bruton, proceeding pro se and in forma pauperis, to show cause by October 25, 2010, why his 42 U.S.C. § 1983 civil rights action should not be dismissed for failure to prosecute by failing to keep the Court advised of his current address. Dkt. 15. To this date, petitioner has not responded to the show-cause order. The Court recommends this civil rights action be **DISMISSED** with prejudice for failure to prosecute under Local Rule CR 41(b)(2).

Plaintiff submitted his IFP application and his proposed complaint to the Court on May 7, 2010. Dkt. 1. The Court granted plaintiff's IFP application on May 17, 2010; his complaint was deemed filed on that day. Dkts. 4, 5. The Court ordered service of the complaint on defendants. Dkts. 6, 7. The Court's grant of IFP status sent to plaintiff was returned in the mail as undeliverable on May 28, 2010. Dkt. 12. On August 24, 2010, the Court ordered plaintiff to

1 show cause why his case should not be dismissed for failure to prosecute and advised him of his  
2 duty to inform the Court of any changes to his address. Dkt. 15. The Court's order to show  
3 cause sent to plaintiff was returned in the mail. Dkt. 16.

4 In the order to show cause, the Court warned plaintiff that his failure to respond to the show-  
5 cause order would result in dismissal by the district judge assigned to this case. Plaintiff failed  
6 to respond to the show-cause order and thus has declined to keep the Court advised of his current  
7 address and whether he wishes to continue this action.

8 The Court recommends this § 1983 action be **DISMISSED** without prejudice for failure to  
9 prosecute. Local Rule CR 41(b)(2). A proposed order is attached.

10 DATED this 8th day of November, 2010.

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14 BRIAN A. TSUCHIDA  
15 United States Magistrate Judge  
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