

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Mortensen v. Foster

Mortensen · No. 2:22-cv-01773-TLN-CKD · Decided March 14, 2023

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 STEVEN LEE MORTENSEN, No. 2:22-cv-01773-TLN-CKD P 12
Plaintiff, 13 v. ORDER 14 TARAH FOSTER, 15 Defendant. 16 17 Plaintiff is a former county
inmate proceeding pro se in this civil rights action that was 18 removed from state court on
October 6, 2022. ECF No. 1.

The undersigned issued Findings and 19 Recommendations on February 22, 2023 to dismiss this
action without prejudice based on 20 plaintiff's failure to inform the court of any address change.
ECF No. 10. The next day plaintiff 21 filed his change of address with the court. ECF No. 11.

The Findings and Recommendations 22 were then re-served on plaintiff's new address of record.
Plaintiff filed objections to the Findings 23 and Recommendations on March 6, 2023.¹ However,
mail sent to plaintiff was subsequently 24 returned to the court.² Defendant Foster has also filed a
response to plaintiff's objections 25 1 As plaintiff is no longer in custody, the court no longer
applies the prison mailbox rule to plaintiff's pleadings to determine the constructive filing date.

Houston v. Lack, 487 U.S. 266 26 (1988). 27 2 The Clerk's Office does not keep the envelopes
containing the postmark date or the reason why 28 the mail was returned. 1 | indicating that an
attempt at service of process at plaintiffs new address has also failed. ECF No. 2 | 13.

Therefore, the court will order plaintiff to provide his current address within 14 days from the 3 ||
date of this order. 4 Accordingly, IT IS HEREBY ORDERED that: 5 1. Within 14 days from the
date of this order, plaintiff shall provide his current address in 6 compliance with Local Rule
183(b). 7 2.

The undersigned will not withdraw or vacate the pending Findings and 8 Recommendations until
plaintiff has notified the court of a current address where he 9 can be properly served. 10 3.
Plaintiffs failure to respond to this order within the time provided will result in the 11 submission
of the pending Findings and Recommendations to the district judge 12 assigned to this action.

13 | Dated: March 14, 2023 / ae □□ / a Ly a 4 CAROLYN K DELANEY 15 UNITED STATES
MAGISTRATE JUDGE 16 17 18 19 20 21 12/mort1773.osc.mail 22 23 24 25 26 27 28

