

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

Hilson v. Lynch

Hilson · No. 1:23-cv-01757 JLT GSA (PC) · Decided May 1, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 RASHEED HILSON, SR., Case No. 1:23-cv-01757 JLT GSA (PC) 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS 13 v. (Doc. 11) 14
JEFF LYNCH, et al., 15 Defendants. 16 17 Plaintiff, a former state prisoner proceeding pro se, has
filed this civil rights action 18 seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On April 3, 2025, after the Court's screening order (Doc. 8) and an
order to show cause re 21 failure to prosecute (Doc. 9) were returned to sender after service upon
Plaintiff at his address of 22 record, the magistrate judge issued Findings and Recommendations
to dismiss the action for 23 failure to prosecute and failure to keep the Court apprised of his
current address.¹ (Doc.

11.) After 24 evaluating the factors articulated in *Malone v. United States Postal Service*, 833 F.2d
128, 130 25 (9th Cir. 1987), the Findings and Recommendations recommended dismissal without
prejudice. 26 The Findings and Recommendations were served on Plaintiff and notified him that
any objections 27 1 The Court's screening order was returned to sender on October 17, 2024.

Pursuant to Local Rule 183(b), Plaintiff had 63 days to file a notice of change of address. Far
longer has passed without Plaintiff filing any document with the 28 Court. 1 | were due in 14 days.
(Doc. 11 at 5 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2 | 2014).) Plaintiff failed
to file any objections or otherwise communicate with the Court.

3 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 4 | case.
Having carefully reviewed the matter, the Court concludes the Findings and 5 || Recommendations
are supported by the record and proper analysis.

Thus, the Court ORDERS 6 1. The Findings and Recommendations issued April 3, 2025 (Doc.
11), are 7 ADOPTED IN FULL. 8 2. This matter is DISMISSED without prejudice for Plaintiffs
failure to prosecute 9 and for his failure to keep the Court apprised of his current address. See Fed.
R. 10 Civ. P. 41(b); Local Rules 110 and 183(b). 11 3.

The Clerk of Court is directed to CLOSE THIS CASE. 12 B IT IS SO ORDERED. 14] Dated:
_May 1, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25

