

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT EBERWEIN, *et al.*,

No. C 13-02740 SI

Plaintiffs,

v.

TRACEY DAVIS,

Defendant.

**ORDER DISMISSING PLAINTIFFS
ROBERT EBERWEIN AND WILLIAM
EBERWEIN; AND REQUIRING
PLAINTIFF DEBORAH
CHALEDEEANKA ANN TO NOTIFY
COURT OF CHANGE OF ADDRESS**

On July 2, 2013, the Court filed an order dismissing plaintiffs' complaint with leave to amend, because plaintiffs had failed to allege any violations of the law or clearly state a factual basis for their complaint. The Court later learned that the dismissal order was not initially served on plaintiffs. Therefor, the Court directed that the dismissal order be served on plaintiff and ordered that plaintiffs had leave to amend their complaint by no later than August 24, 2013, or the case would be dismissed with prejudice. Plaintiffs have neither filed an amended complaint, nor have they asked for an extension of time.

Accordingly, plaintiffs Robert Eberwein and William Eberwein are dismissed from the case for failure to prosecute.

However, on August 19, 2013, the documents sent to plaintiff Deborah Chaledееannka Ann at the address provided for her on the complaint, were returned as undeliverable. Pursuant to Civil Local Rule 3-11, a plaintiff has a duty to notify the Court of any change in address. If the plaintiff fails to notify the Court of a change in address, then the case may be dismissed within 60 days of the receipt of mail returned as not deliverable. Civ. L.R. 3-11(b).

1 Accordingly, the remaining plaintiff Deborah Chaledeeannka Ann shall be dismissed from
2 the case, and the action will be dismissed with prejudice, on October 18, 2013, unless the Court
3 receives both an amended complaint and a notification of a change of address before that date.

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5 **IT IS SO ORDERED.**

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7 Dated: August 28, 2013

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10 SUSAN ILLSTON
11 United States District Judge
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