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

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8 ROBERT EBERWEIN, *et al.*,  
9 Plaintiffs,  
10 v.  
11 TRACEY DAVIS,  
12 Defendant.

No. C 13-02740 SI

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

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

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

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

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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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8           SUSAN ILLSTON  
9           United States District Judge