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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James K. Trueman,
Plaintiff,

vs.

State of Hawaii, et al.,
Defendants.

No. CV 09-2179-PHX-RCB (DKD)

ORDER

Plaintiff James K. Trueman, who is confined in the Saguaro Correctional Center (SCC), a Corrections Corporation of America (CCA) facility in Eloy, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 in the District of Hawaii. The District of Hawaii subsequently transferred the case to this District as the proper venue. In an Order filed June 15, 2010, the Court dismissed the Complaint with leave to amend within 30 days. (Doc. 11.) Plaintiff has filed a motion for a 30 day extension of the deadline to file an amended complaint due to limited library access. (Doc. 14.) The Court will grant Plaintiff an extension until August 16, 2010 within which to file a first amended complaint in compliance with the June 15, 2010 Order.

Warnings

A. Release

Plaintiff must pay the unpaid balance of the filing fee within 120 days of his release. Also, within 30 days of his release, he must either (1) notify the Court that he intends to pay the balance or (2) show good cause, in writing, why he cannot. Failure to comply may result in dismissal of this action.

1 **B. Address Changes**

2 Plaintiff must file and serve a notice of a change of address in accordance with Rule
3 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
4 relief with a notice of change of address. Failure to comply may result in dismissal of this
5 action.

6 **C. Copies**

7 Plaintiff must submit an additional copy of every filing for use by the Court. See
8 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
9 to Plaintiff.

10 **D. Possible “Strike”**

11 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails
12 to file an amended complaint correcting the deficiencies identified in the Order filed on June
13 15, 2010, the dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C.
14 § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal
15 a civil judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more
16 prior occasions, while incarcerated or detained in any facility, brought an action or appeal
17 in a court of the United States that was dismissed on the grounds that it is frivolous,
18 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is
19 under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

20 **E. Possible Dismissal**

21 If Plaintiff fails to timely comply with every provision of this Order and the Order
22 filed June 15, 2010, doc. 11, and these warnings, the Court may dismiss this action without
23 further notice. See *Ferdik*, 963 F.2d at 1260-61 (a district court may dismiss an action for
24 failure to comply with any order of the Court).

25 **IT IS ORDERED:**

- 26 (1) Plaintiff’s motion for an extension of time to comply with the June 15, 2010
27 Order, doc. 11, is **granted** to the extent set forth below. (Doc. 14.)
28 (2) Plaintiff is **granted** until **August 16, 2010** in which to file a first amended

1 complaint in compliance with the June 15, 2010 Order.

2 (3) If Plaintiff fails to file an amended complaint by **August 16, 2010**, the Clerk
3 of Court must, without further notice, enter a judgment of dismissal of this action with
4 prejudice that states that the dismissal may count as a “strike” under 28 U.S.C. § 1915(g).

5 DATED this 25th day of July, 2010.

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10 Robert C. Broomfield
11 Senior United States District Judge
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