

1 **WO**

2

3

4

5

6

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

7

8

9

10

Hai Van Le,

)

No. CV 11-0744-PHX-RCB-ECV

11

)

ORDER

12

Plaintiff,

)

13

)

14

vs.

)

15

Arizona Department of Corrections, et al.,

)

16

)

Defendants.

)

17

18

Plaintiff Hai Van Le, who is confined in the Arizona State Prison Complex-Lewis, in Buckeye, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and paid the \$350.00 filing fee. In an Order filed on May 31, 2011, the Court dismissed the Complaint with leave to amend within 30 days. (Doc. 3.) On June 16, 2011, Plaintiff filed a motion for a 30-day extension of time. (Doc. 4.) Despite Plaintiff's failure to provide a reason for seeking the extension, the Court granted Plaintiff an additional 30 days in which to file an amended complaint in an Order filed on June 22, 2011. (Doc. 5.) On June 24, 2011, Plaintiff filed another motion requesting a 30 days extension of time to file an amended complaint. (Doc. 6.) It appears that this motion may have been intended merely as a copy or correction of the first motion. In any event, this motion was received before Plaintiff received the Court's last Order. Because the Court already granted Plaintiff's first motion

19

20

21

22

23

24

25

26

27

28

1 for an extension of time, this duplicate motion will be denied. *If* Plaintiff seeks any further
2 extensions, he should indicate the specific reasons for seeking such extension.

3 **Warnings**

4 **A. Address Changes**

5 Plaintiff must file and serve a notice of a change of address in accordance with Rule
6 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
7 relief with a notice of change of address. Failure to comply may result in dismissal of this
8 action.

9 **B Copies**

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

13 **C. Possible “Strike”**

14 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails
15 to file an amended complaint correcting the deficiencies identified in the May 31, 2011
16 Order, the dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C.
17 § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal
18 a civil judgment *in forma pauperis* under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more
19 prior occasions, while incarcerated or detained in any facility, brought an action or appeal
20 in a court of the United States that was dismissed on the grounds that it is frivolous,
21 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is
22 under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

23 **D. Possible Dismissal**


24 If Plaintiff fails to timely comply with every provision of this Order, including these
25 warnings, the Court may dismiss this action without further notice. See Ferdik, 963 F.2d at
26 1260-61 (a district court may dismiss an action for failure to comply with any order of the
27 Court).

28 Accordingly,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED that Plaintiff's June 24, 2011 motion for extension of time to file a first amended complaint is **denied** as moot. (Doc. 6.)

DATED this 29th day of June, 2011.



Robert C. Broomfield
Senior United States District Judge