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

Christopher Stoller,
Plaintiff,

vs.

Bank of New York Mellon Trust
Company, et al.,
Defendants.

No. CV 11-01105-GMS-JRI

ORDER

Plaintiff Christopher Stoller, who is confined in the Lake County Adult Corrections Facility, in Waukegan, Illinois, filed a *pro se* Complaint asserting fraud claims and violations of his constitutional rights under 42 U.S.C. § 1983 with a *pro se* motion to proceed *in forma pauperis*, which was not on this District’s court-approved form. (Doc. 1.) In an Order filed on July 25, 2011, this Court denied Plaintiff’s *in forma pauperis* motion with leave to file a new *in forma pauperis* application within 30 days using this District’s required form. (Doc. 9.) On August 3, 2011, Plaintiff filed a motion for injunctive relief, a notice of interlocutory appeal concerning the denial of his *in forma pauperis* motion, and a motion for leave to appeal *in forma pauperis*. (Doc. 10, 11, 12.) The Court denied Plaintiff’s motion for leave to proceed *in forma pauperis* on appeal as not taken in good faith. (Doc. 16.) By separate order, the Court also denied Plaintiff’s motion for injunctive relief. (Doc. 17.) Plaintiff filed a second interlocutory appeal concerning the denial of injunctive relief and he also filed a motion for leave to proceed *in forma pauperis* in that appeal and a motion for stay pending

1 appeal. (Doc. 21, 22.) In an Order filed on August 10, 2011, those motions were denied and
2 the Court certified that Plaintiff's interlocutory appeals were not taken in good faith. (Doc.
3 27.)

4 On August 12, 2011, Plaintiff filed another motion to stay proceedings on the basis
5 that he had just learned of the death of his 29-year old son on August 6, 2011. (Doc. 28.)
6 In light of the procedural posture of this case, Plaintiff's motion for stay will be denied.
7 Plaintiff has failed to submit this District's approved form for a prisoner to seek leave to
8 proceed *in forma pauperis* or to pay the \$350.00 filing fee. As Plaintiff was previously
9 informed in the Court's July 25, 2011 Order, this action will be dismissed without prejudice
10 if he fails to comply with that Order within 30 days of its issuance.

11 The Court will also summarily deny Plaintiff's motion to consolidate this action with
12 Bank of New York Mellon v. Ribadeniera, No. CV11-0982-PHX-FJM. (Doc. 7.) That case
13 was remanded to state court on July 8, 2011.

14 **Warnings**

15 **A. Address Changes**

16 Plaintiff must file and serve a notice of a change of address in accordance with Rule
17 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
18 relief with a notice of change of address. Failure to comply may result in dismissal of this
19 action.

20 **B. Copies**

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

24 **C. Possible Dismissal**

25 If Plaintiff fails to timely comply with every provision of this Order, including these
26 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,
27 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
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1 comply with any order of the Court).

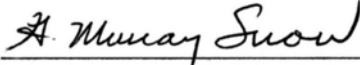
2 **IT IS ORDERED:**

3 (1) Plaintiff's motion to consolidate is **denied**. (Doc. 7.)

4 (2) Plaintiff's motion for stay is **denied**. (Doc. 28.)

5 DATED this 1st day of September, 2011.

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9 G. Murray Snow
10 United States District Judge

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