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

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11 Howard Cochran,

No. CV 11-2538-PHX-RCB(JFM)

12

Plaintiff,

ORDER

13

vs.

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Mark Wardian, et al.,

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Defendants.

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Plaintiff Howard Cochran filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983. In an Order filed on February 1, 2012, the Court dismissed the Complaint for failure to state a claim with leave to file a First Amended Complaint. (Doc. 6.) Shortly before that Order was filed, Plaintiff filed a motion for leave to amend the Complaint. (Doc. 5.) Plaintiff's motion for leave to amend the Complaint will be denied as moot because he was granted leave to file an amended complaint in the February 1, 2012 Order.

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Warnings

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A. Release

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Plaintiff must pay the unpaid balance of the filing fee within 120 days of his release.

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

4 **B. 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 **C. 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 **D. 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 February 1, 2012
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 **E. Possible Dismissal**

24 If Plaintiff fails to timely comply with every provision of the February 1, 2012 Order,
25 and these warnings, the Court may dismiss this action without further notice. See Ferdik,
26 963 F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any
27 order of the Court).

28 **IT IS ORDERED** that Plaintiff’s motion for leave to amend the Complaint is **denied**

1 as moot. (Doc. 5.)

2 DATED this 6th day of February, 2012.

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6 Robert C. Broomfield
7 Senior United States District Judge
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