

1 **WO**

KM

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Carl David Fulton,

)

No. CV 12-149-PHX-GMS (MHB)

10

Plaintiff,

)

ORDER

11

vs.

)

12

Bureau of Alcohol, Tobacco, Firearms,
and Explosives, et al.,

)

13

Defendants.

)

14

15

Plaintiff Carl David Fulton, who is confined in the Arizona State Prison Complex-Yuma, has filed a *pro se* civil rights Complaint pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and an Application to Proceed *In Forma Pauperis*. In a February 28, 2012 Order, the Court granted the Application to Proceed and dismissed the Complaint with leave to amend. On March 13, 2012, Plaintiff filed a First Amended Complaint. The First Amended Complaint was not signed.

21

On May 3, 2012, the Court issued an Order allowing Plaintiff to submit a completed and signed signature certificate, using a certificate form included with the Order, certifying that Plaintiff's signature on the certificate would serve as an original signature on his First Amended Complaint for the purposes of Rule 3.4 of the Local Rules of Civil Procedure and Rule 11 of the Federal Rules of Civil Procedure.

26

In the May 3rd Order, the Court granted Plaintiff 30 days to file the signature certificate and explicitly warned Plaintiff that failure to comply with the Order would result in dismissal of this action.

27

28

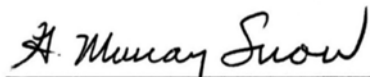
1 On May 8, 2012, Plaintiff filed a Notice of Change of Address. On May 9, 2012, the
2 Clerk of Court re-sent the May 3rd Order to Plaintiff at his new address.

3 The Court did not receive a signed signature certificate or any other pleadings from
4 Plaintiff. On June 25, 2012, the Clerk of Court entered a Judgment of dismissal without
5 prejudice because Plaintiff failed to comply with the May 3rd Order within 30 days of the
6 date the Order was sent to Plaintiff at his new address. To date, the Court has not received
7 a signature certificate from Plaintiff. On July 2, 2012, Plaintiff filed a Notice of Appeal.

8 Plaintiff also filed, on July 2, 2012, a "Motion to Request Reason(s) for
9 Decision/Striking of the First Amended Complaint by Petitioner." The Court will grant the
10 Motion to the extent that this Order explains the reason for its dismissal of this action.

11 **IT IS ORDERED** that Plaintiff's July 2, 2012 Motion (Doc. 14) is **granted** to the
12 extent that this Order explains the Court's dismissal of this action. The Clerk of Court must
13 forward a copy of this Order to the Ninth Circuit Court of Appeals.

14 DATED this 10th day of September, 2012.

15 
16 _____
17 G. Murray Snow
18 United States District Judge
19
20
21
22
23
24
25
26
27
28