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

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Dree Lee McKee,

) No. CV 12-8143-PCT-RCB (MEA)

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Plaintiff,

) **ORDER**

11

vs.

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Navajo Nation, et al.,

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Defendants.

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On July 17, 2012, Plaintiff Dree Lee McKee, who is confined in the Arizona State Prison-Florence West in Florence, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. §1983 and an Application to Proceed *In Forma Pauperis*. In an August 23, 2012 Order, the Court denied the deficient Application to Proceed and gave Plaintiff 30 days to pay the fee or file a complete Application to Proceed *In Forma Pauperis*.

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I. Letter

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On September 18, 2012, Plaintiff filed a Letter (Doc. 6) seeking an extension of time to comply with the August 23rd Order and a “Certificate of Service” so he can send medical reports to the Court.

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First, it is improper for a party to communicate directly with court personnel. Simply mailing a letter to the Clerk of Court, the judge, or any court personnel is unacceptable. Any request for action by the Court must be in the form of a motion that complies with the Rules

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1 of Practice of the United States District Court for the District of Arizona (the Local Rules).
2 Any future letters directed to the Clerk of Court, the judge, or any court personnel will be
3 stricken from the record and will be returned to Plaintiff.

4 Second, in resolution of Plaintiff's Letter, the Court finds good cause to grant Plaintiff
5 an extension of time to comply with the August 23rd Order. The Court will give Plaintiff an
6 additional 30 days to comply with the August 23rd Order. However, because it is not
7 necessary for Plaintiff to submit medical reports to the Court at this time, the Court will deny
8 his request for a "Certificate of Service."

9 **II. Warnings**

10 **A. Address Changes**

11 Plaintiff must file and serve a notice of a change of address in accordance with Rule
12 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
13 relief with a notice of change of address. Failure to comply may result in dismissal of this
14 action.

15 **B. Copies**

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

19 **C. Possible Dismissal**

20 If Plaintiff fails to timely comply with every provision of the August 23rd Order or
21 this Order, including these warnings, the Court may dismiss this action without further
22 notice. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may
23 dismiss an action for failure to comply with any order of the Court).

24 **IT IS ORDERED:**

25 (1) Plaintiff's Letter (Doc. 6) is **granted in part** to the extent Plaintiff seeks an
26 extension of time to comply with the Court's August 23, 2012 Order; and is **denied in part**
27 to the extent Plaintiff is seeking a "Certificate of Service."
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1 (2) Within 30 days of the date this Order is filed, Plaintiff must either pay the
2 \$350.00 filing fee **or** file a complete Application to Proceed *In Forma Pauperis* and a
3 certified six-month trust account statement for the six months preceding the filing of the
4 Complaint. Plaintiff must submit statements from each institution where he was confined
5 during the six-month period.

6 (3) If Plaintiff fails to either pay the \$350.00 filing fee or file a complete
7 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a
8 judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

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10 DATED this 17th day of October, 2012.

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14 Robert C. Broomfield
Senior United States District Judge

15 cc: plaintiff *pro se*

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