

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

George T. Taitano,

Plaintiff,

vs.

City of Coalinga, et al.,

Defendants.

No. CV 1-06-0973-ROS

ORDER TO SHOW CAUSE

On July 26, 2006, Plaintiff George T. Taitano, who was then a prisoner in the Pleasant Valley State Prison in Coalinga, California, filed a *pro se* Complaint pursuant to 42 U.S.C. § 1983 with an Application to Proceed *In Forma Pauperis*. (Doc. ## 1, 3.) On September 15, 2006, Plaintiff was granted leave to proceed *in forma pauperis* and was assessed the statutory filing fee of \$350.00. (Doc. #5.) On September 30, 2008, Plaintiff filed a Notice of Change of Address reflecting that he was released from custody and is now residing in San Diego, California. (Doc. # 14). He will be ordered to pay the filing fee or to show good cause why he is unable to do so.

I. Payment of Filing Fee

Pursuant to 28 U.S.C. § 1915(b)(1), "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." 28 U.S.C. § 1915(b)(1). Because Plaintiff brought this civil action while he was still a prisoner, he will be required to pay the full amount of the \$350.00 filing fee even though he was subsequently released. See Taylor v. Delatoore, 281 F.3d 844, 847 (9th Cir. 2002)

1 (“Under the [Prison Litigation Reform Act], all prisoners who file [*in forma pauperis*] civil
2 actions must pay the full amount of the filing fee.”) Plaintiff still owes \$350.00 towards the
3 filing fee.

4 Plaintiff will be given 30 days from the date this Order is to either pay the \$350.00
5 filing fee or file a “Response” to this Order. Plaintiff’s Response must state the date of his
6 release and must either promise to pay the \$350.00 filing fee within 120 days from the date
7 of his release **or** show good cause why he cannot pay the filing fee. Plaintiff’s Response
8 must be made under penalty of perjury. See 28 U.S.C. § 1746 (oath requirement may be
9 satisfied when a person declares under penalty of perjury that the submission is true and
10 correct and signs and dates the document).

11 Plaintiff is advised that even after he pays the filing fee, the Court is required to screen
12 his Amended Complaint. 28 U.S.C. § 1915A(a). The Court must dismiss the Amended
13 Complaint or portions thereof if Plaintiff has raised claims that are legally frivolous or
14 malicious, that fail to state a claim upon which relief may be granted, or that seek monetary
15 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

16 **II. Warnings**

17 **A. Address Changes**

18 Plaintiff must file and serve a notice of a change of address in accordance with Rule
19 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include
20 a motion for other relief with a notice of change of address. Failure to comply may result in
21 dismissal of this action.

22 **B. Copies**

23 Plaintiff must submit an additional copy of every filing for use by the Court. See
24 LRCiv 5-133(d)(2). Failure to comply may result in the filing being stricken without further
25 notice to Plaintiff.

26 **C. Possible Dismissal**

27 If Plaintiff fails to timely comply with every provision of this Order, including these
28 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,

1 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
2 comply with any order of the Court).

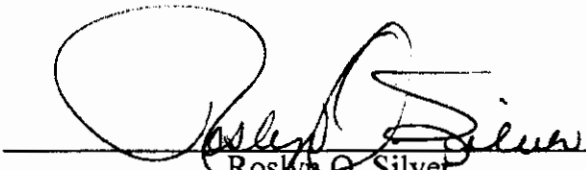
3 **IT IS ORDERED:**

4 (1) Within **30 days** from the filing date of this Order, Plaintiff must either pay the
5 \$350.00 balance of the filing fee or show good cause why he is unable to do so.

6 (2) If Plaintiff fails, within 30 days from the filing date of this Order, either to pay
7 the \$350.00 balance of the court filing fee or to show good cause why he is unable to pay the
8 balance of the filing fee, the Clerk of Court must enter a judgment of dismissal of this action
9 without prejudice or further notice.

10 DATED this 30th day of April, 2009.

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Roslyn O. Silver
United States District Judge