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

Lonnie Lee Manuel,	)	No. 07-0968-NVW
Plaintiff,	)	<b>ORDER</b>
vs.	)	
K. Mandoza Powers; P. Baltierrez,	)	
Medical Officer; Dr. Suryadevara, Chief	)	
Medical Officer,	)	
Defendants.	)	

On July 6, 2007, Plaintiff Lonnie Lee Manuel, who was then a prisoner in the California Department of Corrections filed a *pro se* Complaint pursuant to 42 U.S.C. § 1983 (Doc. #1). On the same day, Plaintiff filed a an Application to Proceed *In Forma Pauperis* by a Prisoner (Doc. #2). The Court granted Plaintiff *in forma pauperis* status on July 11, 2007. (Doc. #4.) On August 28, 2009, Plaintiff filed a Notice of Change of Address, indicating that he was released from prison and is now residing in Los Angeles, California. (Doc. #25). He will be ordered to pay the filing fee or to show cause why he is unable to do so.

**I. Payment of Filing Fee**

When bringing an action, a prisoner must either pay the filing fee in a lump sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally as set

1 forth in 28 U.S.C. § 1915(b)(1). Because Plaintiff was a prisoner when he filed this action,  
2 he must pay the \$350.00 filing fee.

3 On August 28, 2009, Plaintiff filed a notice of change of address reflecting that he has  
4 been released from prison. None of the filing fee has been paid. Because Plaintiff has been  
5 released and he has not paid the filing fee, he must notify the Court within 30 days from the  
6 filing date of this Order whether he intends to pay the filing fee in full or show good cause  
7 in writing why he cannot pay the fee. Plaintiff may show cause by submitting an affidavit,  
8 signed under penalty of perjury, demonstrating why he is presently unable to pay the filing  
9 fee. See 28 U.S.C. § 1746 (the oath requirement may be satisfied when a person declares  
10 under penalty of perjury that the submission is true and correct, and signs and dates the  
11 statement). An application to proceed *in forma pauperis* is attached, which may assist  
12 Plaintiff in the preparation of such an affidavit. Failure to comply with this Order will result  
13 in the dismissal of this action.

## 14 **II. Warnings**

### 15 **A. Address Changes**

16 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
17 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include  
18 a motion for other relief with a notice of change of address. Failure to comply may result in  
19 dismissal of this action.

### 20 **B. Copies**

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

1 **IT IS ORDERED:**

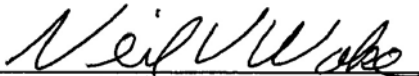
2 (1) Within **30 days** from the filing date of this Order, Plaintiff must either pay the  
3 \$350.00 balance of the filing fee **or** show good cause why he is unable to do so.

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

8 (3) The Clerk of Court must mail Plaintiff a court-approved form for filing an  
9 Application to Proceed *In Forma Pauperis* (Non-Habeas) as a guideline in the event that  
10 Plaintiff seeks to show good cause why he is unable to pay the filing fee.

11 Dated: October 22, 2009.

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Neil V. Wake  
United States District Judge