

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MDR

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

Donnie Phillips,)	No. CV 1-08-1388-FJM
Plaintiff,)	ORDER
vs.)	
Timothy Turmezei, et al.,)	
Defendants.)	

On August 22, 2008, Plaintiff Donnie Phillips, who is confined in the Pelican Bay State Prison in Crescent City, California, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 in the Sacramento Division of the United States District Court for the Eastern District of California. In a September 17, 2008 Order, United States Magistrate Judge Kimberly J. Mueller ordered the case transferred to the Fresno Division of the Court. Plaintiff filed an Objection to the intradistrict transfer.

In a February 12, 2009 Order, the Court denied Plaintiff’s Objection to the intradistrict transfer and dismissed Plaintiff’s Complaint because he had failed to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. The Court gave Plaintiff 30 days to file an amended complaint that cured the deficiencies identified in the Order.

I. Pending Motion

On March 12, 2009, Plaintiff filed a “Request to Clerk for Endorsed Copy of Complaint” (Doc. #17). Plaintiff states that he filed three copies of his Complaint, but did

JDDL

1 not receive an “endorsed copy.” Plaintiff asserts that he needs an endorsed copy of the
2 Complaint because there are numerous exhibits attached to the Complaint and Plaintiff has
3 “learned that [he] was to maintain all those exhibits until later stages.” The Court will direct
4 the Clerk of Court to send Plaintiff a conformed copy of his Complaint.

5 **II. Warnings**

6 **A. Address Changes**

7 Plaintiff must file and serve a notice of a change of address in accordance with Rule
8 83-182(f) and 83-183(b) of the Local Rules of Civil Procedure. Plaintiff must not include
9 a motion for other relief with a notice of change of address. Failure to comply may result
10 in dismissal of this action.

11 **B. Copies**

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

15 **C. Possible Dismissal**

16 If Plaintiff fails to timely comply with every provision of the Court’s February 12,
17 2009 Order, the Court may dismiss this action without further notice. See Ferdik v.
18 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for
19 failure to comply with any order of the Court).

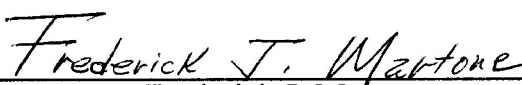
20 **IT IS ORDERED:**

21 (1) Plaintiff’s “Request to Clerk for Endorsed Copy of Complaint (Doc. #17) is
22 **granted.**

23
24
25
26
27
28

1 (2) The Clerk of Court **must send** Plaintiff a conformed copy of his Complaint
2 (Doc. #1).

3 DATED this 3rd day of April, 2009.

4
5
6 
7 _____
8 Frederick J. Martone
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28