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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN MICHAEL CRIM,	)	1:09-cv-02041-AWI-GSA-PC
Plaintiff,	)	ORDER DENYING CHANGE OF
vs.	)	ADDRESS TO ATTORNEY'S OFFICE
	)	(Doc. 55.)
MANAGEMENT & TRAINING CORP.,	)	ORDER DENYING SUBSTITUTION OF
et al.,	)	ATTORNEYS
	)	ORDER FOR PLAINTIFF TO FILE
Defendants.	)	NOTICE OF CHANGE OF ADDRESS
	)	WITHIN THIRTY DAYS
	)	ORDER DIRECTING CLERK TO MAIL
	)	CHANGE OF ADDRESS FORM AND
	)	COPY OF THIS ORDER TO PLAINTIFF
	)	AT TWO ADDRESSES

**I. BACKGROUND**

John Michael Crim ("Plaintiff") is a federal prisoner proceeding pro se with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff filed the complaint commencing this action on November 20, 2001. (Doc. 1.)

On April 16, 2012, Plaintiff filed a notice requesting the Court to change his address of record from: FDC-Philadelphia, P.O. Box 562, Philadelphia, PA 19106, to: c/o Joseph A. DiRuzzo III, Attorney at Law, Fuerst Ittleman, PL, 1001 Brickell Bay Dr., 32<sup>nd</sup> Floor, Miami, FL 33131. (Doc. 55.)

1 **II. SUBSTITUTION OF ATTORNEYS**

2 Plaintiff has not indicated whether he intends to substitute attorney Joseph A. DiRuzzo III to  
3 represent him in this action. However, should this be the case, Plaintiff may not substitute an attorney  
4 in this manner. Plaintiff is presently proceeding in propria persona.<sup>1</sup> For Plaintiff to substitute an  
5 attorney in place of himself as attorney of record, Plaintiff must submit a substitution of attorneys  
6 document to the Court, setting forth the full name and address of the new attorney, and signed by  
7 Plaintiff (as the withdrawing attorney and client) and the new attorney. Local Rule 182(g). “All  
8 substitutions of attorneys shall require the approval of the Court, and the words ‘**IT IS SO ORDERED**’  
9 with spaces designated for the date and signature of the Judge affixed at the end of each substitution of  
10 attorneys.” *Id.* Therefore, to the extent that Plaintiff’s notice of change of address is a request for  
11 substitution of attorneys, the request must be denied.

12 **II. CHANGE OF ADDRESS TO ADDRESS OTHER THAN PRO SE LITIGANT’S**  
13 **ACTUAL ADDRESS**

14 In the event that Plaintiff intends to retain his in propria persona status and continue representing  
15 himself, he may not change his address of record at the Court to someone else’s address. There is no  
16 Federal Rule of Civil Procedure or Local Rule allowing service of Court and other legal documentation  
17 at an address other than a pro se litigant’s actual address. Local Rule 131, Local Rule 182(f), and Local  
18 Rule 183(b) require pro se litigants to inform the Court of their addresses and to keep the Court informed  
19 of any change in their addresses. There is no authority for the proposition that a pro se litigant can  
20 simply request the Court to serve him at a different address.

21 There may be special circumstances in which the Court could serve a pro se litigant at a separate  
22 address. However, no such special circumstances are apparent here. Moreover, service at a location  
23 other than Plaintiff’s place of residence can pose significant problems with ensuring that Plaintiff  
24 receives all court documentation, meets court deadlines and prepares and signs all of his own legal  
25 documentation as a party proceeding in pro se.

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27 <sup>1</sup>A litigant proceeding in propria persona, or pro se, is one who represents himself in a court proceeding without the  
28 assistance of a lawyer. Black’s Law Dictionary, 1256, 1258 (8th ed. 2004).

1 The court docket shows that mail sent to Plaintiff at his current address of record was returned  
2 to the Court on April 12, 2012 as undeliverable. Therefore, the Clerk of Court shall be directed to send  
3 Plaintiff a change-of-address form. Plaintiff is required to complete and return the form to the Court  
4 within thirty days, notifying the Court of his address of actual residence. Plaintiff is cautioned that pro  
5 se litigants are required to notify the Clerk and all other parties of any change of address, and absent such  
6 notice, service of documents at the prior address of the party shall be fully effective. See Local Rule  
7 182(f). Moreover, Plaintiff's failure to comply with an order or any Local Rule may be grounds for  
8 dismissal of the entire action. See Local Rule 110.

9 **III. CONCLUSION**

10 Based on the foregoing, IT IS HEREBY ORDERED that:

- 11 1. The substitution of attorney Joseph A. DiRuzzo III in place of Plaintiff, as Plaintiff's  
12 attorney of record, is DENIED;
- 13 2. Plaintiff's request to change his address of record at the Court to that of attorney Joseph  
14 A. DiRuzzo III is DENIED;
- 15 3. The Clerk of Court is DIRECTED to:
  - 16 (a) Mail a copy of this order and a change-of-address form to Plaintiff at both of the  
17 following addresses:
    - 18 (1) John Michael Crim  
04554-063  
19 FDC-Philadelphia  
P.O. Box 562  
20 Philadelphia, PA 19106
    - 21 (2) John Michael Crim  
c/o Joseph A. DiRuzzo III, Attorney at Law  
22 Fuerst Ittleman, PL  
1001 Brickell Bay Dr., 32<sup>nd</sup> Floor  
23 Miami, FL 33131.
- 24 4. Within thirty days of the date of service of this order, Plaintiff is required to file a notice  
25 of change of address, notifying the Court of his address of actual residence; and

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5. Plaintiff's failure to comply with this order shall result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: April 18, 2012

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE