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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACOBSEN,

Plaintiff,

v.

KIRK POOL,

Defendant.

Case No. 1:16-cv-01760-BAM (PC)

ORDER REGARDING PLAINTIFF’S
CHANGE OF ADDRESS
(ECF No. 10)

ORDER EXTENDING SHOW CAUSE
ORDER AND DIRECTING PLAINTIFF TO
FILE A FIRST AMENDED COMPLAINT
WITHIN **THIRTY (30) DAYS**

Plaintiff Michael Jacobsen (“Plaintiff”) is a former pretrial detainee proceeding pro se and in forma pauperis in this civil rights action. Plaintiff initiated this action on November 21, 2016. (ECF No. 1.) Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 4.)

On June 13, 2017, the Court issued an order dismissing Plaintiff’s complaint with leave to amend within thirty (30) days. (ECF No. 8.) The Court expressly warned Plaintiff that the failure to file an amended complaint in compliance with the Court’s order would result in this action being dismissed, with prejudice, for failure to obey a court order and failure to state a claim. (Id. at 5.)

On July 10, 2017, Plaintiff filed a notice of change of address. (ECF No. 9.) Plaintiff further requested that the Court send him any deadlines in his pending cases. On July 14, 2017, the Court granted Plaintiff’s request for status of case. The Court reminded Plaintiff of the screening order issued on June 13, 2017, and the deadline of July 17, 2017 for the filing of

1 Plaintiff's first amended complaint. (ECF No. 10.)

2 On July 20, 2017, Plaintiff's address was updated pursuant to a notice of change of
3 address filed in Jacobsen v. People of the State of California, Case No. 1:14-cv-108. (ECF No.
4 11.) Accordingly, the Court ordered the Clerk of the Court to re-serve the Court's July 14, 2017
5 order granting Plaintiff's request for status of case. (ECF No. 12.)

6 On July 25, 2017, after Plaintiff failed to timely file a first amended complaint, the Court
7 issued an order to show cause why this action should not be dismissed, with prejudice, for failure
8 to state a claim, failure to obey a court order, and failure to prosecute. (ECF No. 13.) Plaintiff
9 was directed to respond or file a first amended complaint within twenty (20) days. (Id.) The
10 Court's order again warned Plaintiff that failing to timely respond would result in dismissal of
11 this action, with prejudice. (Id.)

12 On August 24, 2017, Plaintiff's address was updated, again pursuant to a notice of change
13 of address filed in Case No. 1:14-cv-00108 JLT (PC). (ECF No. 14.) In this filing, Plaintiff
14 asserts that although he has updated his address three times with the Court over the past two and a
15 half months, he has not received any of the Court's orders in any of his three pending cases in this
16 district.

17 Plaintiff's filing is not responsive to the Court's order which directed Plaintiff to file a
18 first amended complaint or to show cause why he has been unable to do so. Therefore, the Court
19 will not discharge the order to show cause issued on July 25, 2017. The Court will provide
20 Plaintiff additional time and a **final opportunity** to file a first amended complaint or a response
21 stating why he is unable to do so.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. The Clerk's Office shall send Plaintiff a complaint form;
- 24 2. The Clerk's Office is directed to re-serve the following orders on Plaintiff at his
25 current address of record:
 - 26 a. June 13, 2017 order dismissing complaint, with leave to amend, for failure to
27 state a cognizable claim for relief (ECF No. 8);
 - 28 b. July 14, 2017 order granting request for status of case (ECF No. 10);

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c. July 24, 2017 order directing Clerk’s Office to re-serve July 14, 2017 order on Plaintiff (ECF No. 12); and

d. July 25, 2017 order to show cause (ECF No. 13).

3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file a first amended complaint; and

4. **If Plaintiff fails to file an amended complaint in compliance with this order, this action will be dismissed, with prejudice, for failure to obey a court order, failure to state a claim, and failure to prosecute.**

IT IS SO ORDERED.

Dated: August 25, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE