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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANK ORR,

Plaintiff,

vs.

ADRIANA HERNANDEZ, et al.,

Defendant.

)  
) No. CV-08-472-JLQ  
) ORDER RE: PLAINTIFF’S MAY 27, 2011  
) REQUEST TO THE COURT  
)  
) ACTION BY PLAINTIFF REQUIRED  
) REGARDING CURRENT ADDRESS  
)

On May 27, 2011, the court received a letter from Plaintiff. This letter is intended to address the concerns raised therein.

**1. Mailing Address**

It is Plaintiff’s duty to keep the court informed of a current address at all times while an action is proceeding. Local Rule 83-182(f) and 83-183(b). On April 14, 2011, Plaintiff wrote a letter to the court indicating he had been transferred “two miles from the Mexico boarder” and states “well this is my new address I don’t feel safe here.” However, the letter nowhere provides the court with the actual address. Plaintiff complains in his most recent letter to the court that legal mail continues to be sent to Kern Valley State Prison, instead of where he presently is housed at “San Diego RJD.” Plaintiff’s failure to provide the court with his new address explains why court and Defendant’s mail continues to go to Kern Valley State prison. In order to attempt to have this Order reach Plaintiff, the court will

1 direct a copy be mailed to an address obtained by the court for Richard J. Donovan  
2 Correctional Facility at P.O. Box 799002, San Diego, CA 92179. The address of record for  
3 Plaintiff shall, however, remain Kern Valley until Plaintiff files a proper Notice informing  
4 the court and opposing counsel of his current address.

## 5 **2. Complaints Regarding Conditions of Confinement**

6 Plaintiff has included in his letter various grievances regarding the conditions of his  
7 current confinement which are unrelated to his claims asserted in the Second Amended  
8 Complaint. They concern his placement in administrative segregation (due to the presence  
9 of a “confidential enemy” housed at the facility) and his attempts to receive his “legal work  
10 from his property” and to access a library. Plaintiff states he is without what he needs to  
11 show him “how to do legal work” or “how to start a motion.”

12 Upon confirmation of Plaintiff’s current address, the court can provide the Plaintiff  
13 with a copy of the local rules of practice, which along with the Federal Rules of Civil  
14 Procedure, govern the litigation process and will inform Plaintiff regarding the rules of  
15 motion practice. However, the court can only adjudicate claims which are included in a  
16 properly pleaded complaint. Plaintiff’s grievances set forth in his May 27, 2011 letter,  
17 including those concerning access to property, should be initiated and exhausted under  
18 California’s prisoner grievance process at his current housing location.

## 19 **3. Defendant’s Motions**

20 Plaintiff’s letter also addresses his concerns regarding Defendant’s conduct in regards  
21 to effectuating service upon Sgt. Medina and the John Doe Defendants, as well as  
22 Defendant’s Motion to Vacate the Scheduling Order. These concerns have been addressed  
23 by the court in separately entered orders.

24 **IT IS SO ORDERED.** The District Court Executive is directed to enter this Order,  
25 provide a copy to counsel for Defendant Hernandez and copies to Plaintiff – one directed to  
26 his current address of record and another directed to him at Richard J. Donovan Correctional

1 Facility at P.O. Box 799002, San Diego, CA 92179. Upon confirmation of Plaintiff's new  
2 address, the Court Executive shall provide him with a copy of the Local Rules.

3 Dated this 1<sup>st</sup> day of June, 2011.

4 s/ Justin L. Quackenbush  
5 JUSTIN L. QUACKENBUSH  
6 SENIOR UNITED STATES DISTRICT JUDGE  
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