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

ALTON DEAN,

Plaintiff,

No. CIV S-11-0877 EFB P

vs.

H. BRAZIEL, et al.,

Defendants.

ORDER

_____/

On April 13, 2011, the court found that plaintiff did not pay the required filing fee or submit an application for leave to proceed *in forma pauperis*. Accordingly, the court ordered plaintiff to submit either the filing fee or the application required by § 1915(a) within thirty days. The order warned plaintiff that failure to do so might result in this action being dismissed. The 30-day period expired and plaintiff did not pay the filing fee, submit an application to proceed *in forma pauperis* or otherwise respond to the court’s order. Accordingly, on May 26, 2011, this action was dismissed without prejudice and judgment was entered.¹

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¹ Although it appears from the file that plaintiff’s copy of the judgment and order dismissing his case was returned, plaintiff was properly served. It is the plaintiff’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective

1 On May 31, 2011, plaintiff filed an application to proceed *in forma pauperis*. He did not,
2 however, request relief from judgment. Pursuant to Fed. R. Civ. P. 60(b):

3 On motion and just terms, the court may relieve a party or its legal representative
4 from a final judgment, order, or proceeding for the following reasons: (1) mistake,
5 inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that,
6 with reasonable diligence, could not have been discovered in time to move for a
7 new trial under rule 59(b); (3) fraud (whether previously called intrinsic or
8 extrinsic), misrepresentation, or misconduct by an opposing party; (4) the
9 judgment is void; (5) the judgment has been satisfied, released or discharged; it is
10 based on an earlier judgment that has been reversed or vacated; or applying it
11 prospectively is no longer equitable; or (6) any other reason that justifies relief.

12 Accordingly, the court will not address plaintiff's untimely request for leave to proceed *in forma*
13 *pauperis*. Should plaintiff file a request for relief from judgment, and should the court grant
14 such request, the court will then consider plaintiff's request for leave to proceed *in forma*
15 *pauperis*.

16 The court notes that it will issue no response to future filings by plaintiff in this action
17 not authorized by the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

18 So ordered.

19 Dated: June 20, 2011.

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21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
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