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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEO B. TURNER, JR.,
Plaintiff,
v.
R. COLON, et al.,
Defendants.

No. 2:11-cv-2343 KJM AC P

ORDER

On July 16, 2015, this court issued an order finding that because plaintiff had been returned to custody, the case was once again governed by Local Rule 230(l). ECF No. 146. The determination that plaintiff had returned to custody was based upon plaintiff's notice of change of address (ECF No. 145) and the prison address reflected on the docket. Plaintiff's notice of change of address did not include his new address within the notice, and the court presumed the address was taken from the return address on the envelope in which the notice was mailed. ECF No. 146. The Inmate Locator website operated by the California Department of Corrections and Rehabilitation (CDCR) also showed a Leo B. Turner incarcerated at CSP-Solano.

Defendants have filed what they characterize as a response to the July 16, 2015 order, but it is in fact a motion for partial reconsideration. In the motion they aver that based on CDCR records, the Leo B. Turner currently incarcerated at CSP-Solano is not the same Leo B. Turner as the plaintiff in this action. ECF No. 147. They also state that plaintiff's CDCR number at the

1 time he filed the complaint and on his most recent filing was K-99152, not E-39537 as is
2 currently reflected on the docket, and that number E-39537 does not belong to plaintiff. Id. A
3 search of CDCR number K-99152 on the CDCR's Inmate Locator website indicates that plaintiff
4 has not been returned to CDCR custody. Defendants request that the court amend plaintiff's
5 CDCR number to K-99152 and reinstate the non-prisoner provisions of Local Rule 230 until
6 plaintiff files a proper notice of change of address indicating that he has returned to prison.

7 Defendants' motion will be granted in part. Rather than amend plaintiff's CDCR number,
8 the Clerk of the Court will be directed to amend the docket to reflect the last address provided by
9 plaintiff in a notice of change of address. Since that address is a non-prison address, it will not be
10 necessary to amend plaintiff's CDCR number. Plaintiff will also be ordered to provide a proper
11 notice of change of address that includes his current address in the notice and this action will be
12 governed by the non-prisoner provisions of Local Rule 230 until plaintiff files a proper notice of
13 change of address reflecting his return to custody. Plaintiff's failure to comply with this order
14 will result in a recommendation that this action be dismissed without prejudice.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The Clerk of the Court is directed to update plaintiff's address to the address provided
17 in the last proper notice of change of address filed by plaintiff (ECF No. 143). Specifically,
18 plaintiff's address should be changed back to 742 K Street, Merced, CA 95341.

19 2. The Clerk of the Court shall re-serve the July 16, 2015 order (ECF No. 146) on
20 plaintiff at 742 K Street, Merced, CA 95341.

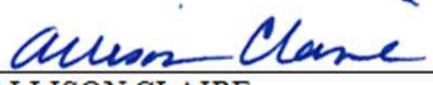
21 3. Within twenty-one days of this order, plaintiff must file either (1) a notice affirming
22 that his current address is 742 K Street, Merced, CA 95341, or (2) a notice of change of address
23 that includes his current address within the notice. Failure to comply with this order will result in
24 a recommendation that this action be dismissed without prejudice.

25 4. Defendants' motion for reconsideration (ECF No. 147) is granted in part and denied in
26 part. The motion is granted to the extent this case shall be governed by the non-prisoner
27 provisions of Local Rule 230 until such time as plaintiff files a proper notice of change of address

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1 that reflects he is in custody. The motion is denied to the extent it seeks to amend plaintiff's
2 CDCR number on the docket.

3 DATED: July 21, 2015

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE

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