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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THURMAN LEROY SPENCER,  
Plaintiff,  
v.  
TIMOTHY VIRGA, et al.,  
Defendants.

No. 2:13-cv-1626 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 together with a request for leave to proceed in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. On August 19 2013, the court ordered plaintiff to submit, within 30 days, a completed affidavit in support of his motion to proceed in forma pauperis and a certified copy of his prison trust account statement for the six month period immediately preceding the filing of his August 7, 2013 complaint. See 28 U.S.C. § 1915(a)(2). Plaintiff was provided with a copy of this court’s Application to Proceed In Forma Pauperis by a Prisoner and was cautioned that failure to comply with the court’s order would result in a recommendation that this action be dismissed without prejudice.

Plaintiff has not filed the required affidavit or the required trust account statement. On September 16, 2013, plaintiff filed a letter in this court complaining that he has been wrongfully transferred to the California Health Care Facility in Stockton. The court will construe this filing

1 as a request to change plaintiff's address of record. Plaintiff is reminded that in the future it is his  
2 responsibility to keep the court updated with his current address.

3 Plaintiff acknowledges that he received the court's August 19, 2013 order and states that  
4 he is being "deliberately denied" his right to present his civil case in this court. However,  
5 plaintiff does not explain how he has been prevented filing the required IFP documents. Sua  
6 sponte, plaintiff will be granted an extension of time to file the required IFP documents.

7 In accordance with the above, IT IS ORDERED that:

- 8 1. Plaintiff shall submit, within thirty days from the date of this order, a completed  
9 affidavit in support of his request to proceed in forma pauperis on the form previously  
10 provided by the Clerk of Court and a certified copy of his prison trust account  
11 statement for the six month period immediately preceding the filing of his August 7,  
12 2013 complaint. Plaintiff's failure to comply with this order will result in a  
13 recommendation that this action be dismissed without prejudice.
- 14 2. The court construes plaintiff's September 16, 2013 filing as a notice of change of  
15 address. The Clerk of the Court is directed to update plaintiff's address of record to:  
16 Thurman Leroy Spencer, T-15088, California Health Care Facility, 7707 Austin Road,  
17 Stockton, CA 95215.

18 DATED: September 26, 2013

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE

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