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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,  
Plaintiff,  
v.  
DARREN ALBEE, et al.,  
Defendants.

No. 2:15-cv-1598 KJN P

ORDER

On January 6, 2016, plaintiff was granted thirty days in which to file an amended complaint. However, on January 22, 2016, plaintiff filed a notice of change of address in which he claims he has been transferred among several different institutions since December 29, 2015, and that although he is now housed at California State Prison, Sacramento, he could be transferred again. (ECF No. 14 at 2.) In the meantime, plaintiff has been prohibited from carrying his legal materials during the transfers, and still does not have them. Plaintiff requests that all proceedings be held in abeyance until he arrives at a final facility and receives his legal files. (ECF No. 14 at 3.) Plaintiff did not explain, if he knows, why he has been transferred.

Plaintiff is advised that it is his responsibility to diligent prosecute his action. Plaintiff has not shown good cause to stay this action. That said, plaintiff cannot comply with the court's order and file an amended complaint without benefit of his legal materials.

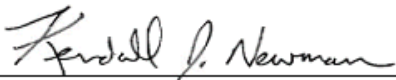
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Accordingly, plaintiff is granted sixty days in which to file an amended complaint that complies with the November 13, 2015 order. If plaintiff's legal materials are not returned within a reasonable time, or prison officials continue to transfer him to another facility, plaintiff should notify the court and explain his circumstances.

IT IS HEREBY ORDERED that plaintiff is granted sixty days in which to file an amended complaint. Plaintiff is cautioned that failure to file an amended complaint will result in a recommendation that this action be dismissed without prejudice.

Dated: February 3, 2016

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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