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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC C. GULBRONSON,
Plaintiff,
v.
KENDALL, et al.,
Defendants.

No. 2:16-cv-0883 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. By order dated May 6, 2016, plaintiff was advised of the need to file an in forma pauperis affidavit or pay the required filing fees in order to proceed with this action. See ECF No. 3. This order was served on plaintiff at his address of record at California Health Care Facility. To date, plaintiff has not filed an in forma pauperis application, paid the required filing fees, or otherwise responded to the court’s order.

However, it appears that plaintiff’s failure to respond to the court’s order may be related to a change in plaintiff’s address. While the docket reflects that plaintiff is housed at California Health Care Facility, the Inmate Locator website operated by the California Department of Corrections and Rehabilitation (CDCR) indicates that plaintiff is currently incarcerated at

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1 California State Prison-Sacramento.¹ Because plaintiff failed to notify the court of the change in
2 his address, as required by Local Rule 183(b), it is unclear whether plaintiff received the court's
3 prior order.

4 Thus, the Clerk of the Court will be directed to serve a copy of this order on plaintiff at
5 both his address of record and at California State Prison-Sacramento, and plaintiff will be
6 required to file a notice advising the court of his current address. Plaintiff is advised that failure
7 to notify the court of his current address, or to notify the court if his address changes in the future,
8 may result in dismissal of this case for failure to prosecute. See Fed. R. Civ. P. 41(b).

9 Plaintiff will also be given one additional opportunity to file an in forma pauperis affidavit
10 or pay the required filing fee of \$350.00 plus the \$50.00 administrative fee.² See 28 U.S.C. §§
11 1914(a), 1915(a).

12 In accordance with the above, IT IS HEREBY ORDERED that:

- 13 1. The Clerk of the Court is directed to serve this order on plaintiff at his address of
14 record and at California State Prison-Sacramento, P.O. Box 290066, Represa, CA
15 95671.
- 16 2. Within thirty days of service of this order, plaintiff must notify the court of his current
17 address.
- 18 3. Within thirty days of service of this order, plaintiff shall submit a fully completed
19 affidavit in support of his request to proceed in forma pauperis on the form provided
20 by the Clerk of Court, or the required fees in the amount of \$400.00;
- 21 4. Plaintiff's failure to comply with this order will result in a recommendation that this
22 action be dismissed; and

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24 _____
25 ¹ See Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate
26 determination by sources whose accuracy cannot reasonably be questioned); see also City of
Sausalito v. O'Neill, 386 F.3d 1186, 1224 n.2 (9th Cir. 2004) (“We may take judicial notice of a
record of a state agency not subject to reasonable dispute.”).

27 ² If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee
28 but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not
required to pay the \$50.00 administrative fee.

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5. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
Forma Pauperis By a Prisoner.

DATED: October 11, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE