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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MITCHELL DIXON, Jr.,	No. 2:16-cv-2980 DB P
Plaintiff,	
v.	<u>ORDER</u>
ELK GROVE COUNTY, et al.,	
Defendants.	

Plaintiff is a current or former prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff filed his original complaint in December 2016. (ECF No. 1.) At that time, plaintiff was incarcerated at the Sacramento County Main Jail. Plaintiff also filed an incomplete motion to proceed in forma pauperis.

On January 4, 2017, the court ordered plaintiff to submit a complete affidavit in support of his motion to proceed in forma pauperis and a certified copy of his trust account statement from the jail. (ECF No. 4.) Plaintiff was warned that his failure to comply with the court’s order would result in a recommendation that this action be dismissed. On January 18, 2017, plaintiff’s copy of this order was returned to the court as undeliverable because plaintiff was no longer in custody at the Sacramento County Main Jail.

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1 On March 7, 2017, plaintiff filed a document which the court construed as a first amended  
2 complaint. Plaintiff's address on that filing showed that he was at that time incarcerated at the  
3 Fresno County Jail. (ECF No. 5.)

4 The January 4 order was re-served on plaintiff at this new address. However, shortly  
5 thereafter, court staff noted that plaintiff had filed a change of address in another case in this  
6 court. The new address indicated that plaintiff might no longer be in custody. On April 3, 2017,  
7 the January 4 order was re-served, again, on plaintiff at this new address in Elk Grove.

8 Since then, the court has received several filings from plaintiff. Some of these appear to  
9 be argument in support of his claims and, in one letter, plaintiff requested unspecified forms.  
10 Information gleaned from that June 22 filing indicates plaintiff remains incarcerated at the Fresno  
11 County Jail. (ECF No. 8.)

12 Plaintiff will be given one final opportunity to seek to proceed in forma pauperis in this  
13 action or pay the filing fee. If plaintiff fails to do so, the undersigned will recommend that this  
14 case be dismissed. Plaintiff is also warned that if he wishes to proceed with a suit in this court, he  
15 must keep the court apprised of his current address. E.D. Cal. R. 182(f).

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. Within thirty days of the date of this order, plaintiff shall either pay the \$400 filing  
18 fee or file a complete motion to proceed in forma pauperis.
- 19 2. The Clerk of the Court is directed to send plaintiff copies of the forms for proceeding  
20 in forma pauperis both by a prisoner and by a non-prisoner. In addition, the Clerk  
21 shall serve a copy of this order on plaintiff at the Elk Grove address currently listed on  
22 the docket and at the Fresno County Jail.

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3. If plaintiff fails to comply with this order, the undersigned will recommend this action be dismissed. See E.D. Cal. R. 110; Fed. R. Civ. P. 41(b).

Dated: July 22, 2017

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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