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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAEWEATHER MARSHALL,
aka MAYWEATHER MARSHALL,¹

Plaintiff,

v.

UNKNOWN,

Defendant.

No. 2:17-cv-1650 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with this action filed pursuant 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c) and Local Rule 305(a). See ECF No. 7.

By order filed September 8, 2017, this court granted plaintiff’s request to proceed in forma pauperis but dismissed plaintiff’s original complaint with leave to file a proposed First Amended Complaint within thirty days. See ECF No. 4. The court informed plaintiff of the deficiencies in his original complaint and the requirements for stating potentially cognizable claims in an amended complaint. Id. Plaintiff was informed that failure to timely file an

¹ The first spelling of plaintiff’s name reflects the spelling in plaintiff’s own documents filed in this case; the second spelling is used by the California Department of Corrections and Rehabilitation (CDCR).

1 amended complaint would result in the dismissal of this action without prejudice. Id. at 6.

2 By order filed September 26, 2017, the court granted plaintiff's request for extended time
3 to comply with the court's September 8, 2017 order; the deadline was extended to thirty days
4 after service of the September 26, 2017 order. See ECF No. 9.

5 Thereafter, on December 27, 2017, plaintiff filed a notice of change of address (indicating
6 that he was located at either Salinas Valley State Prison or San Quentin State Prison) but did not
7 otherwise respond to the court's order. See ECF No. 10. CDCR's Inmate Locator website
8 indicates that plaintiff is presently incarcerated at California State Prison Corcoran (CSP-COR).²
9 In an abundance of caution, before recommending dismissal of this case for failure to comply
10 with the court's order, the court will direct the Clerk of Court to re-serve the essential documents
11 in this case to plaintiff at his current address.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Clerk of Court is directed to verify and accurately indicate on the docket plaintiff's
14 current address.

15 2. The Clerk of Court is further directed to send plaintiff, together with a copy of this
16 order, one copy each of the following: (a) plaintiff's original complaint (ECF No. 1 (8 pp.)); (b)
17 the court's screening order filed September 8, 2017 (ECF No. 4 (6 pp.)); and (c) a blank form
18 complaint used by prisoners in this district to pursue a civil rights action under 42 U.S.C. § 1983.

19 3. If plaintiff intends to proceed with this case, he shall file a proposed First Amended
20 Complaint, on the form provided herein, within thirty (30) days after the filing date of this order.

21 4. Failure of plaintiff to timely file a proposed First Amended Complaint will result in a
22 recommendation that this action be dismissed without prejudice.

23 IT IS SO ORDERED.

24 DATED: June 20, 2018

25 
26 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

27 ² See <http://inmatelocator.cdcr.ca.gov/search.aspx>. See also Fed. R. Evid. 201 (court may take
28 judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned).