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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON COUCH JOHNSON,  
Plaintiff,  
v.  
MARCOS CAMACHO, et al.,  
Defendants.

No. 2:18-cv-00173-MCE-KJN PS

ORDER

On April 5, 2018, the court granted plaintiff’s application to proceed *in forma pauperis* and dismissed plaintiff’s original complaint with leave to amend. (ECF No. 7.) Plaintiff was given 28 days to file either an amended complaint or a notice of voluntary dismissal of the action. (Id.) Additionally, plaintiff was expressly cautioned that failure to file either an amended complaint or a notice of voluntary dismissal by the required deadline may result in dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). (Id.) Although the applicable deadline has now passed, the court’s records show that plaintiff failed to file either an amended complaint or a notice of voluntary dismissal as ordered.<sup>1</sup>

<sup>1</sup> Thus far, the court’s order has not been returned to the court as undeliverable. Nevertheless, even if it had been, it is plaintiff’s duty to keep the court informed of his current address, and service of the court’s order at the address on record was effective absent the filing of a notice of change of address. In relevant part, Local Rule 182(f) provides: “Each appearing attorney and pro se party is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the pro se party. Absent such notice, service of


1 The court has considered whether the action should be dismissed at this juncture.  
2 Nevertheless, in light of plaintiff's *pro se* status, and the court's desire to resolve the action on the  
3 merits, the court first attempts lesser sanctions by issuing an order to show cause and imposing  
4 monetary sanctions. Given that plaintiff is proceeding *in forma pauperis*, the amount of monetary  
5 sanctions imposed is necessarily minimal.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Within 21 days of this order, plaintiff shall pay the Clerk of Court \$100.00 in  
8 monetary sanctions for failure to comply with the court's orders.
- 9 2. Within 21 days of this order, plaintiff shall show cause in writing why this action  
10 should not be dismissed with prejudice pursuant to Federal Rule of Civil Procedure  
11 41(b) based on plaintiff's failure to comply with the court's orders and failure to  
12 prosecute the case.
- 13 3. Within 21 days of this order, plaintiff shall file a first amended complaint in  
14 compliance with the court's April 5, 2018 order.
- 15 4. Alternatively, and in lieu of paying the monetary sanctions, responding to the order to  
16 show cause, and filing a first amended complaint, plaintiff may instead file a notice of  
17 voluntary dismissal of the action without prejudice within 21 days of this order.
- 18 5. Failure to timely comply with all terms of this order will result in dismissal of the  
19 action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).
- 20 6. The Clerk of Court shall serve a copy of the court's April 5, 2018 order (ECF No. 7)  
21 on plaintiff along with this order.

22 IT IS SO ORDERED.

23 Dated: May 16, 2018

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25 \_\_\_\_\_  
26 KENDALL J. NEWMAN  
27 UNITED STATES MAGISTRATE JUDGE

28 documents at the prior address of the attorney or pro se party shall be fully effective.”