

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS DAVID WAITON,

Plaintiff,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Case No. 13-cv-03218-JST (PR)

**ORDER DIRECTING CLERK TO
RESEND COPY OF DOCKET NO. 7**

Plaintiff filed this pro se civil rights action under 42 U.S.C. § 1983 on July 11, 2013 while an inmate at the Main Adult Detention Facility in Santa Rosa, California. By order filed October 24, 2013, the Court granted plaintiff's application for leave to proceed in forma pauperis ("IFP") and directed plaintiff to pay an initial partial filing fee of \$69.70 on or before November 25, 2013. (Dkt. No. 7.) Plaintiff has not paid the initial partial filing fee within the designated time.

The Court notes that on November 1, 2013, plaintiff filed a notice of change of address indicating that he was relocated to Metro State Hospital sometime in October 2013. It therefore appears that plaintiff may not have received the Court's prior order due to a change of address. The Court also notes, however, that, in a separate action also before this Court, plaintiff has refused to allow the release of funds to pay an initial partial filing fee. (See Waiton v. Post, C 13-2439 JST (PR), Dkt. No. 13.)

Accordingly, the Court orders as follows:

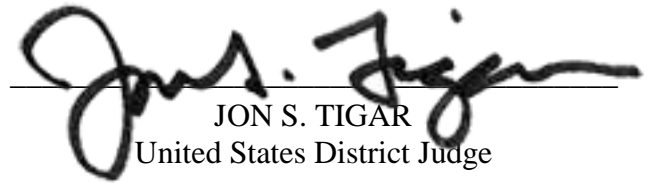
1. The Clerk is directed to resend plaintiff, at his new address, a copy of Docket No. 7 in this action.
2. The time to pay the initial partial filing fee of **\$69.70** is extended to **thirty (30)** days from the date this order is filed. If plaintiff can no longer pay the initial partial filing fee, he

1 may alternatively file a new IFP application, which will also be due within **thirty (30)** days from
2 the date this order is filed. The application must include a certificate of funds completed by a
3 Metro State Hospital official and a copy of plaintiff's trust account statement. Failure to pay the
4 initial partial filing fee or file a new completed IFP application will result in dismissal of this
5 action without prejudice.

6 3. The Clerk shall send plaintiff a blank prisoner IFP application.

7 **IT IS SO ORDERED.**

8 Dated: December 5, 2013

9 
10 JON S. TIGAR
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28