

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 ALBERT C. BURGESS, JR.,

No. C 11-01898 SBA (PR)

4 Plaintiff,

**ORDER REGARDING PENDING
MOTIONS**

5 v.

6 EBAY, INC., et al.,

Docket Nos. 31, 33 and 37

7 Defendants.
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9 This is a pro se civil rights complaint filed by Plaintiff Albert C. Burgess, Jr., an
10 inmate incarcerated in the Low Security Correctional Institution in Butner, North Carolina.¹
11 Several motions are now pending before the Court.

12 On April 4, 2012, Defendant Danny L Durham filed a motion for permission for
13 electronic case filing. (Dkt. no. 31.) This motion is granted. This action has been
14 designated as an e-filing case. If Mr. Durham has not already done so, he should consult the
15 court's public website, www.cand.uscourts.gov, click on the "ECF" link, and register himself
16 if he has the necessary computer and internet access equipment. Because this case is
17 designated as an e-filing case, all documents (orders and motions) will be served on Mr.
18 Durham only electronically (and no paper copy will be sent to him) and all his documents
19 must be filed electronically.

20 On April 9, 2012, Plaintiff moved for an additional fifteen days in which to serve a
21 subpoena on Visa, the only Defendant that had not been served. (Dkt. no. 33.) This motion
22 is granted.

23 On April 30, 2012, Plaintiff moved for leave to file an amended complaint. (Dkt. no.
24

25 _____
26 ¹In his amended complaint, Plaintiff indicates that, after a ten month incarceration, the
27 state dropped the charges against him. Thus, Plaintiff presently may not be incarcerated.
28 However, the return address on Plaintiff's amended complaint indicates that he is still in prison.
Also, Plaintiff has not informed the Court of a change in address, as he must do under Civil
Local Rule 3-11(a) (party proceeding pro se whose address changes while an action is pending,
must promptly file with the Court and serve upon all opposing parties a Notice of Change of
Address specifying the new address).

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37.) Plaintiff indicated he only wished to correct the names of two Defendants. This motion is granted.

Also pending are Defendants' motions to dismiss. These motions shall be addressed in a separate order.

This Order terminates Docket nos. 31, 33 and 37.

IT IS SO ORDERED.

DATED: 11/20/12


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ALBERT C. BURGESS, JR.,
5 Plaintiff,

Case Number: CV11-01898 SBA

CERTIFICATE OF SERVICE

6 v.

7 EBAY INC. et al,
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on November 21, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Albert C. Burgess 88539-071
16 Low Security Correctional Institution
17 P.O. Box 999
18 Butner, NC 27509

19 Danny L Durham
20 2350 Washington Road
21 Augusta, GA 30904

22 Dated: November 21, 2012

Richard W. Wieking, Clerk
By: Lisa Clark, Deputy Clerk

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