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

JEROLD DESMOND FORNEY,)	No. C 11-2841 LHK (PR)
)	
Plaintiff,)	ORDER GRANTING
)	DEFENDANTS' MOTION TO
v.)	STRIKE; DIRECTING
)	PLAINTIFF TO COMPLY WITH
CTF DR. TRENT, et al.,)	COURT ORDER OR FACE
)	DISMISSAL FOR FAILURE TO
Defendants.)	PROSECUTE
)	

Plaintiff, a California state prisoner proceeding *pro se*, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. On October 21, 2011, the Court served the amended complaint on named Defendants. On January 20, 2012, counsel for Defendants made her appearance, and filed an answer.

On February 13, 2012, inmate Laurince O'Sheigh Simpson filed an ex parte request, purportedly on behalf of Plaintiff. In his request, Simpson states that he is the designated "document drafter" for Plaintiff, and he requests that the Court acknowledge him as such, and provide him with future copies of case-related documents in the underlying case. Defendants file a motion to strike the ex parte request, arguing that it should be stricken because Simpson is not a party to the case, nor is he an attorney. Further, they argue, Simpson has no legitimate basis to prosecute this action on behalf of Plaintiff. The Court agrees with Defendants. Mr. Simpson, who is not an attorney licensed to practice in the State of California, is not permitted to appear on Plaintiff's behalf in any proceeding in this Court. Plaintiff must either appear *pro se*, or must

1 be represented by a licensed attorney who is a member of the bar of this Court or is admitted to
2 practice pro hac vice. See Civil L.R. 3-9(a). Accordingly, Defendants' motion to strike Mr.
3 Simpson's ex parte request is GRANTED. The Clerk shall strike docket number 26.

4 In addition, Defendants have informed the Court that Plaintiff was paroled as of
5 November 27, 2011. (Decl. Gruenberg at ¶ 4.) Plaintiff, however, has not notified the Court of
6 this. Pursuant to the Civil Local Rules of this district, "a party proceeding *pro se* whose address
7 changes while an action is pending must promptly file with the Court and serve upon all
8 opposing parties a Notice of Change of Address specifying the new address." See Civ. L. R. 3-
9 11(a). Additionally, in its Order of Service, issued in this matter on October 21, 2011, the Court
10 informed Plaintiff of his continuing obligation to prosecute, and warned him that he must keep
11 the Court and all parties informed of any change of address, and must comply with the Court's
12 orders in a timely fashion, or face dismissal pursuant to Federal Rule of Civil Procedure 41(b).

13 As it appears that Plaintiff has not kept the Court informed of his current address, the
14 instant action is subject to dismissal for failure to prosecute. Accordingly, the Court hereby
15 orders as follows:

16 Within **twenty** days of the date this order is filed, Plaintiff shall notify the Court of his
17 current address and whether he intends to proceed with the prosecution of this action. If Plaintiff
18 fails to do so, the action will be dismissed for failure to prosecute, based on Plaintiff's failure to
19 comply with the Court's orders.

20 The Clerk shall mail a copy of this order to Plaintiff at his most recent address of record
21 at Central Training Facility - North.

22 This order terminates docket numbers 26 and 27.

23 IT IS SO ORDERED.

24 DATED: 4/9/12


LUCY H. KOH
United States District Judge