

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 STEPHEN JEROME WILLIAMS,

11 Plaintiff,

12 vs.

13 LARRY SMALL, et al.,

14 Defendant.  
15

CASE NO. 09cv1957-MMA (RBB)

**ORDER RE: INFORMAL REQUEST  
FOR STATUS UPDATE**

[Doc. No. 43]

16 On January 1, 2011, Plaintiff Stephen Jerome Williams, a state inmate currently incarcerated  
17 at Calipatria State Prison, located in Calipatria, California, proceeding *pro se*, submitted a motion  
18 for reconsideration pursuant to Civil Local Rule 7.1(i) and for leave to file an amended complaint  
19 pursuant to Federal Rule of Civil Procedure 15(a). *See* Doc. No. 41. Plaintiff requested the Court  
20 reconsider its November 3, 2010 order granting Defendants' motion to dismiss and allow leave to  
21 amend those claims for relief previously dismissed with prejudice and without leave to amend. For  
22 the reasons stated in the Court's February 14, 2011 Order, the Court granted in part and denied in  
23 part Plaintiff's motion for reconsideration. *See* Doc. No. 42. Because the Court granted Plaintiff  
24 further leave to amend, the Court declined to accept his proposed third amended complaint for filing  
25 and instead allowed Plaintiff an additional thirty (30) days in which to file a third amended  
26 complaint that complied with the terms and conditions stated in the Court's February 14, 2011  
27 Order.

28 ///

1 To date, Plaintiff has not filed a third amended complaint. On August 11, 2011, Plaintiff  
2 submitted an informal request for a status update on his motion for reconsideration. *See* Doc. No.  
3 43. According to Plaintiff, he “is unaware of the status of the pending Application and Motion, and  
4 as a California State Prisoner proceeding pro se, I am unable to call the Court, or log on to the  
5 Court’s website to check on the status of the Application and Motion.” Plaintiff goes on to state that  
6 he is “concerned whether the Court has in fact received the aforementioned Application and  
7 Motion” because “there have been instances in the past where prison staff have either lost or failed  
8 to process an inmate’s legal mail . . .”

9 Based on Plaintiff’s submission, and because his current mailing address is slightly different  
10 from the address on record in February, the Court concludes that it is indeed likely that Plaintiff did  
11 not receive his courtesy copy via U.S. mail of the Court’s February 14, 2011 Order. The Court  
12 therefore instructs the Clerk of Court to attach a copy of the Order [Doc. No. 42] hereto, and mail  
13 both documents to Plaintiff at his corrected address, which has been updated on the docket of the  
14 case.

15 Furthermore, the Court grants Plaintiff an additional **thirty (30) days** from the date this  
16 Order is filed in which to submit a third amended complaint that complies with the terms and  
17 conditions stated in the Court’s February 14, 2011 Order.

18 **IT IS SO ORDERED.**

19 DATED: August 23, 2011

20 

21 Hon. Michael M. Anello  
22 United States District Judge  
23  
24  
25  
26  
27  
28