

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                                   |   |                  |
|-----------------------------------|---|------------------|
| GERARD M. BRADFORD,<br>Plaintiff, | ) |                  |
|                                   | ) |                  |
| v.                                | ) | Civil Action No. |
|                                   | ) | 17-12245-NMG     |
| COMMONWEALTH OF MASSACHUSETTS     | ) |                  |
| DEPARTMENT OF THE TRIAL COURT,    | ) |                  |
| Defendant.                        | ) |                  |

ORDER

GORTON, J.

For the reasons stated below, the Court orders that plaintiff Gerard M. Bradford pay the \$400 filing fee or file a renewed motion for leave to proceed in forma pauperis within thirty-five (35) days of the date of this order.

**I. Background**

Bradford, who is proceeding pro se, commenced this employment discrimination action on November 13, 2017 by filing a complaint against his employer and a motion for leave to proceed in forma pauperis.

In an order dated December 4, 2017 (Dkt. No. 4), the Court denied the motion for leave to proceed in forma pauperis without prejudice, explaining that Bradford needed to provide additional information concerning his income or assets. The Court warned Bradford that failure file a renewed motion for leave to proceed in forma pauperis or pay the \$400 filing fee within twenty-one (21) days would result in dismissal of the action without prejudice. A copy of the order was mailed to Bradford at his address of record: 1415 Commonwealth Avenue, #302, Brighton, MA

02135.

The deadline for complying with the Court's order expired without any response from Bradford. The copy of the order the Clerk had mailed to Bradford was returned on December 18, 2017. The Clerk has recently learned of Bradford's current mailing address in Illinois and has changed the information on the docket accordingly.

## **II. Discussion**

Under this Court's Local Rules, "[a]ny party who appears pro se must provide the clerk and all parties a mailing address at which service upon the pro se party can be made." L.R. 83.5.5(e) (D. Mass.). Further, a pro se litigant must inform the clerk and all parties of any change of address. L.R. 83.5.5(h). "Any notice sent by the clerk or any party to a pro se party shall be deemed delivered and properly served if sent to the most recent address or e-mail address provided by the pro se party." Id.

Although the copy of the December 4, 2017 order that was sent to Bradford was returned as undeliverable, under Local Rule 83.5.5(h), it is deemed to have been properly served because it was sent to the most recent address provided by the plaintiff. Because Bradford failed to comply with that order, the Court could dismiss his action without prejudice on that ground.

Nonetheless, because the clerk, through his own initiative, has discovered the plaintiff's current address, it is in the interest of justice to give Bradford additional time to respond to the December 4, 2017 order.

### **III. Conclusion**

Accordingly, if Bradford wishes to proceed with this action, he must, within thirty-five days of the date of this order (1) pay the \$400 filing fee; or (2) file a renewed motion for leave to proceed in forma pauperis in which he explains how he affords or is provided the basic necessities of life. Failure to comply with this directive will result in dismissal of the action without prejudice.

The Clerk shall provide Bradford with a copy of the December 4, 2017 order.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated: 5/24/18