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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Steven Antoine Simmons,

5 Plaintiff

6 v.

7 State of Nevada, et al.,

8 Defendants

Case No. 2:22-cv-00367-CDS-VCF

**Order Denying Plaintiff's Application to
Proceed in Forma Pauperis and Striking
Rogue Documents**

[ECF Nos. 18, 19, 20]

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10 Pro se plaintiff Steven Simmons initiated this civil-rights action in February 2022. Compl.,
11 ECF No. 1-1. In June 2022, I screened the complaint under 28 U.S.C. § 1915A and dismissed it in its
12 entirety, without prejudice, and with leave to amend. Order, ECF No. 6. Simmons was given 30
13 days to file an amended complaint curing the deficiencies outlined in my order. *Id.* at 9.

14 The screening order was delivered to Simmons by mail to his address at the Clark County
15 Detention Center, and on June 23, 2022, the mail was returned as undeliverable. ECF No. 8. Under
16 Local Rule IA 3-1, a party must immediately file with the court a written notification of any
17 change of mailing address. Thus, Magistrate Judge Cam Ferenbach (Ret.) directed Simmons to file
18 a notice of change of address by July 27, 2022. Order, ECF No. 9. Simmons was cautioned that his
19 failure to comply would result in dismissal of this action. *Id.* The order was again delivered to
20 Simmons' address at the Clark County Detention Center, but the order was ultimately returned
21 as undeliverable. ECF No. 10. Simmons failed to update his address by the deadline and failed to
22 respond to the court's orders so on August 5, 2022—after thoroughly considering the five
23 dismissal factors articulated in *Malone v. U.S. Postal Service*—Simmons' case was dismissed for
24 failure to comply with the court's June 27, 2022 order. 833 F.2d 128, 130 (9th Cir.1987). Order,
25 ECF No. 11. The Clerk of Court entered judgment and closed the case. J., ECF No. 12.

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