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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

James Scott Alva,

Plaintiff,

v.

Lew Lewisburg USP, et al.,

Defendants.

Case No. 2:24-cv-00072-CDS-DJA

Order

On March 7, 2024, the Court noted that Plaintiff had filed initiating documents with the Court but had not paid the filing fee or submitted an application to proceed *in forma pauperis* (without paying the filing fee). (ECF No. 4). The Court thus required Plaintiff to file an application or pay the filing fee on or before April 8, 2024. (*Id.*). It also required Plaintiff to update his address by that date. (*Id.*). The Court explained that “[f]ailure to comply with this order may result in a recommendation of dismissal of this action.” (*Id.*).

On April 8, 2024, Plaintiff filed a notice.¹ (ECF No. 5). That notice had two addresses at the top, only one of which was complete (but which listed a different person than the Plaintiff). (*Id.*). Otherwise, the notice did not comply with the Court’s prior order because it did not include an application to proceed *in forma pauperis* on this Court’s approved form. The Court thus required Plaintiff to file a status report regarding his address in thirty days and sent the order to both addresses that Plaintiff included. (ECF No. 6). The Court also gave Plaintiff until July 25, 2024, to file an application to proceed *in forma pauperis*. (*Id.*).

The Court received Plaintiff’s mail returned as undeliverable. (ECF No. 7). Public records indicate that Plaintiff no longer resides at the facility listed on the docket. So, the Court

¹ The Court notes that the notices were signed by “Jim-Scott: Cole” and referenced James Scott Alva. Because it is not entirely clear if Jim-Scott: Cole is a third party or an alter ego of Plaintiff’s, the Court construed the notices to have been filed by Plaintiff.

1 will order Plaintiff to update his address,² send this order to Plaintiff's new residence, and will
2 give Plaintiff thirty more days to file an application to proceed *in forma pauperis*.

3
4 **IT IS THEREFORE ORDERED** that Plaintiff shall have until **September 30, 2024**, to
5 update his address and to file a complete application to proceed *in forma pauperis* on this Court's
6 form or pay the filing fee. **Failure to comply with this order may result in a recommendation**
7 **to the district judge that this case be dismissed.**

8 **IT IS FURTHER ORDERED** that the Court is kindly directed to send a copy of this
9 order and of the form application to proceed *in forma pauperis* to Plaintiff at the address on the
10 docket and at the address below.

11
12 **James Scott Alva**
13 #48903-048
14 USP Tucson
15 U.S. Penitentiary
16 P.O. Box 24550
17 Tucson, AZ 85734

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20 DATED: August 30, 2024

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26 _____
27 DANIEL J. ALBRECHTS
28 UNITED STATES MAGISTRATE JUDGE

25 _____
26 ² Nevada Local Rule IA 3-1 provides the following: "An attorney or pro se party must
27 immediately file with the court written notification of any change of mailing address, email
28 address, telephone number, or facsimile number. The notification must include proof of service
on each opposing party or the party's attorney. Failure to comply with this rule may result in the
dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the
court."