

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RICHARD F. LANE,

Plaintiff,

v.

WARDEN MR. ARTIS, et al.,

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action

No. 12-7204 (JBS-JS)

MEMORANDUM OPINION AND ORDER

SIMANDLE, Chief Judge:

Before the Court is Plaintiff Richard Lane's request for an extension of time to file his amended complaint. (Docket Entry 19).

1. Plaintiff filed this complaint on November 21, 2012 alleging his constitutional right to vote under the First Amendment was violated by Defendants was a pretrial detainee at the Burlington County Detention Center. (Docket Entry 1).

2. Defendants filed a Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) on September 26, 2014. (Docket Entry 10).

3. By Order and Opinion entered on April 28, 2015, this Court granted Defendants' motion and dismissed Plaintiff's Complaint without prejudice to filing an amended complaint within 30 days. (Docket Entries 15 and 16).

4. By letter dated May 20, 2015, Plaintiff requested an additional 30 days to submit his amended complaint as he did not receive this Court's order until May 16, 2015. (Docket Entry 17).

5. By letter order dated May 27, 2015, this Court granted Plaintiff an additional three weeks to file his complaint, making his amended complaint due June 16, 2015. (Docket Entry 18).

6. Plaintiff wrote another letter to the Court on June 4, 2015 indicating that he had not heard from the Court regarding his initial request for an extension of time to refile his amended complaint. (Docket Entry 19).

7. At the time the Court issued its order dismissing Plaintiff's complaint, Plaintiff was incarcerated at Northern State Prison, Newark, New Jersey. (Docket Entry 3).

8. Plaintiff's letters to this Court and the New Jersey Department of Corrections inmate locator, *available at* https://www20.state.nj.us/DOC_Inmate/inmatefinder?i=I, indicate Plaintiff is now incarcerated at South Woods State Prison, Bridgeton, New Jersey.

9. Under Local Civil Rule 10.1(a), an unrepresented party must advise the Court of any change in address within seven days of such change by filing a notice of address change with the Clerk of Court. L. CIV. R. 10.1(a). The Rule further provides

that, failure to file such notice "may result in the imposition of sanctions by the Court." *Id.* Indeed, failure to apprise the Court of an address change may result in the outright dismissal of the case for failure to proceed, or an administrative termination of the action without prejudice. *See, e.g., Boretsky v. Corzine*, No. 08-2265, 2008 WL 2512916 (D.N.J. June 23, 2008); *Allebach v. Cathell*, No. 06-5005, 2009 WL 2147145 (D.N.J. July 15, 2009).

10. Although Plaintiff apprised the Court on two occasions of his change in address, (Docket Entries 2 and 3), he failed to notify the Court of his move to South Woods State Prison, undoubtedly contributing to the delay in receiving the orders of this Court.

11. In spite of the delay being partially attributable to Plaintiff's failure to comply with the local civil rules, in the interests of justice and for good cause, the Court will grant Plaintiff an additional twenty-one (21) days to file his amended complaint. The amended complaint is to be filed no later than July 1, 2015.

12. Plaintiff shall immediately file a notice of change of address with this Court.

13. Plaintiff is further cautioned that any further failure to keep this Court apprised of his current address may result in the dismissal of the complaint or other sanctions.

THEREFORE, IT IS this 11th day of June, 2015,

ORDERED that Plaintiff is granted an additional twenty-one (21) days to file his amended complaint; and it is further

ORDERED that the amended complaint shall be filed **no later than July 1, 2015**; and it is further

ORDERED that Plaintiff shall immediately file a notice of change of address with the Clerk of the Court, and that further failure to notify the Court of address changes may result in sanctions; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of the Opinion and Order on Plaintiff by regular mail at South Woods State Prison.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge