

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CARLOS BENAVIDEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-973-HE
)	
U.S. FEDERAL BUREAU OF PRISONS et al.,)	
)	
)	
Defendants.)	

ORDER

On January 26, 2017, Plaintiff Carlos Benavidez notified the Court that he had been transferred from a federal facility in North Carolina to Mid Valley House in Edinburg, Texas. *See* Doc. No. 24. Plaintiff has failed to respond to any motions, send any further payments toward the \$329.08 balance owed on his filing fee, or otherwise participate in this lawsuit since submitting this change of address form six months ago. An order issued by this Court and filings from Defendants, all mailed to Plaintiff at Mid Valley House, were recently returned as “NOT DELIVERABLE” and “UNABLE TO FORWARD.” Doc. No. 40, at 4-5; Doc. No. 41-1. Further, Defendants have notified the Court that they were informed in March 2017 that Plaintiff has been released from the Bureau of Prisons’ physical custody and is subject to home confinement. *See* Doc. No. 37, at 13 n.8; Doc. No. 38, at 37 n.24.

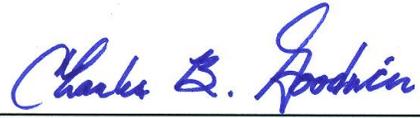
Local Civil Rule 5.4(a) requires every litigant to promptly notify the Court whenever his or her address changes during the pendency of the litigation. This requirement is especially important when an incarcerated litigant is proceeding *in forma*

pauperis because of the special requirements applicable in that circumstance. See 28 U.S.C. §§ 1915(a)(2), (b)(1); LCvR 3.3(b)-(c). Relevant here, for example, if Plaintiff has been released from custody, he may no longer be entitled to continue to proceed without prepayment of the mandatory filing fee. See *Treff v. Galetka*, 74 F.3d 191, 197 (10th Cir. 1996). If Plaintiff's personal financial condition has improved during the course of this litigation, he is obligated to either pay the filing fee or to file an updated *in forma pauperis* application. See *id.*; LCvR 3.2, 3.3.

Accordingly, Plaintiff is ordered to file notice of his current address with the Clerk of the Court no later than August 18, 2017. See LCvR 5.4(a). In addition, Plaintiff shall file an updated application for leave to proceed *in forma pauperis* no later than August 18, 2017. The new application shall provide current information regarding the Plaintiff's financial condition, including his employment status and any assets or funds available to him for payment of the filing fee. The Court Clerk is directed to send both versions (prisoner and nonprisoner) of the Court's *in forma pauperis* application form, along with a change of address form and a copy of this Order, to Plaintiff at each of the following addresses: (i) Mid Valley House, 2520 South Expressway 281, Edinburg, Texas, 78539; and (ii) 5903 Sugarbird Lane, Edinburg, Texas, 78542. See LCvR 5.4(a); *cf.* Fed. R. Civ. P. 5(b)(2)(C).

The failure to timely comply with this Order may result in revocation of Plaintiff's leave to proceed *in forma pauperis* and/or dismissal of this action without prejudice.

IT IS SO ORDERED this 28th day of July, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE