

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MR. JEFFREY PRATT,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 12-669
)	
CO EDWARDS; CO. BUFORD; CO)	Judge Joy Flowers Conti/
MCCLOUSKY; CO DURANT; DEPUTY)	Magistrate Judge Maureen P. Kelly
BRANFORD; SGT. SEPILYAK;)	
COUNSELOR HORTON; CO GIER; CO)	
BOWSER; MAJOR ESTOCK; MICHELLE)	
HOWARD DIGGS,)	
Defendants.)	

ORDER

It has come to the attention of this Court that Jeffrey Pratt, (“Plaintiff”), mailed filings to the Clerk of Court at a Post Office Box address that had been previously discontinued. Due to these erroneously addressed mailings not being received, this Court issued a Report and Recommendation, recommending that this case be dismissed for Plaintiff’s failure to prosecute. ECF No. 4. For the reason that follows the Report and Recommendation is hereby vacated.

At the outset of this case, Plaintiff sent to the Clerk’s Office a civil rights complaint without paying the filing fee or filing a motion to proceed *in forma pauperis* (“IFP Motion”). ECF No. 1. On August 30, 2012, this Court ordered Plaintiff to rectify this deficiency and either pay the filing fee or file an IFP Motion. ECF No. 2. Plaintiff was given until September 13, 2012, to rectify this deficiency. The Court did not receive any response from Plaintiff. As a result, on September 21, 2012, this Court issued an Order to Show Cause why this case should not be dismissed due to Plaintiff’s failure to comply with the order dated August 30, 2012.

Plaintiff was directed to file a response to the Order to Show Cause by October 5, 2012. ECF No. 3. Again, this Court did not receive a response from Plaintiff. Based on Plaintiff's failure to respond to either the August 30, 2012 or the September 21, 2012 orders, this Court issued a Report and Recommendation, on October 25, 2012, recommending dismissal of the case due to Plaintiff's failure to prosecute. ECF No. 4.

On October 26, 2012, this Court received Plaintiff's Response to the Order to Show Cause. ECF No. 5. The Response was dated September 26, 2012. Although the envelope in which the Response came was not also scanned onto the docket as an attachment to the filing which is normally done,¹ the address contained in the heading of the Response indicated that Plaintiff had sent the Response to a Post Office Box that the Clerk's Office no longer used. Apparently, there have been some delay difficulties with the Post Office forwarding mail that was addressed to the discontinued Post Office Box.

In the Response, Plaintiff explained that he could not comply with the Court's August 30, 2012 Order directing him to send in an IFP motion or to pay the filing fee because he was without envelopes in order to send the required information. Plaintiff also states in his Response that he moved to SCI-Smithfield, 1120 Pike Street, Huntingdon, PA 16652, and also indicated that the "Clerk of Court should have known this change several weeks ago." ECF No. 5 at 3. However, Plaintiff fails to explain why the Clerk's Office should have known of this change as no formal notice of a change of address was filed on the docket. Accordingly, the Court is not able to determine whether Plaintiff received both of the orders or the Report and

¹ This may be because several different filings, all of which were scanned onto the docket on the same date, may have come in the same envelope and the envelope was only scanned for the last entry. See ECF Nos. 5, 6 & 7. The envelope was sent to the now discontinued Post Office Box. ECF No. 7-1.

Recommendation. However, the Court notes that no mail sent to Plaintiff was returned to the Court.

Clearly, Plaintiff did attempt to respond to the show cause order and, as such, the premise of the Report and Recommendation that Plaintiff failed to respond is incorrect. Accordingly, the Report is hereby **VACATED**. The case will proceed in normal course.

However, Plaintiff is hereby **ORDERED** to file all future filings at the address below:

Clerk of Court
United States District Court
700 Grant Street, Room 3110
Pittsburgh, PA 15219.

Date: December 5, 2012

s/Maureen P. Kelly
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Joy Flowers Conti
United States District Judge

JEFFREY PRATT
BC-8580
SCI-Smithfield
1120 Pike Street
Huntingdon, PA 16652