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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONTE ROLANDO HARRIS,

CASE No. 1:09-cv-00781-AWI-MJS (PC)

Plaintiff,

ORDER GRANTING PLAINTIFF'S
REQUEST FOR CLARIFICATION

v.

(ECF No. 67)

H.A. RIOS, et al.,

Defendants.

_____ /

Plaintiff Donte Rolando Harris ("Plaintiff") is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). This matter proceeds on Plaintiff's Second Amended Complaint against Defendants Gonzaga, Cobb, Zaragoza, and Valero for interfering with incoming mail in violation of Plaintiff's rights under the First Amendment; against Defendant Cobb for interfering with outgoing mail in violation of Plaintiff's rights under the First Amendment; and against Defendants Estrada, Cobb, Valero, and Zaragoza for violating Plaintiff's Fourteenth Amendment due process rights in connection with Plaintiff's mail. Plaintiff was proceeding *in forma pauperis* ("IFP").

In lieu of an answer, on March 21, 2012, Defendants filed a motion to revoke

1 Plaintiff's IFP status and dismiss the case (ECF No. 57) on grounds Plaintiff was a
2 "three strikes" litigant, i.e., one who had three or more prior actions dismissed as
3 frivolous or malicious or for failure to state a claim upon which relief could be granted.
4 28 U.S.C. § 1915(g).

5 Then, on May 3, 2012, Plaintiff effectively waived his IFP status by paying in full
6 the \$350 filing fee. (Receipt No. CAE100018795.) Thus, on July 16, 2012, the
7 Magistrate Judge assigned to this matter issued findings and recommendations that
8 Defendant's motion to revoke and dismiss (ECF No. 57) be denied as moot. (ECF No.
9 62.) On August 20, 2012, the District Judge issued an order adopting the Magistrate
10 Judge's said findings and recommendations. (ECF No. 64.)

11 Nevertheless, on August 20, 2012, the Court Clerk errantly entered judgment
12 upon the order adopting the findings and recommendations. (ECF No. 65.) The Clerk
13 corrected the error on August 21, 2012, notifying the parties to disregard the
14 erroneously entered judgment. (ECF No. 66.)

15 On September 10, 2012, Plaintiff filed a motion for clarification of the Clerk's
16 notice to disregard. (ECF No. 67.) That motion is now before the Court.

17 Plaintiff's request for clarification is granted. The Court believes the history
18 recited above should suffice as the requested clarification. Further, the Plaintiff is
19 advised, the end result of all of the above is that, the filing fee having been paid, this
20 case is properly before the Court and will proceed as if the erroneous judgment had
21 never been entered.

22
23 IT IS SO ORDERED.

24 Dated: September 19, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE