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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CHARLES T. DAVIS,

1:10-cv-01184-LJO-GBC (PC)

Plaintiff,

v.

ORDER STAYING ORDER TO SHOW  
CAUSE UNTIL COURT OF APPEALS  
RESOLVES RELEVANT CASE IN QUESTION

CLARK J. KELSO, et. al.,

(Doc. 15)

Defendants.

\_\_\_\_\_ /

Charles T. Davis (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis (“IFP”) in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on July 1, 2010. (Doc. 1). On April 22, 2011, the Court issued an Order to Show Cause as to why Plaintiff’s IFP status should not be revoked pursuant to 28 U.S.C. § 1915(g). (Doc. 15). On May 4, 2011, Plaintiff filed a response. (Doc. 18). In the response, Plaintiff correctly observed that *Davis v. Swartz, et al.*, 2:01-cv-00827-WBS-PAN (PC) (E.D. Cal.), does not count as a strike since it was removed from state court to federal court by defendants. Additionally, Plaintiff argues that since *Davis v. George*, 1:10-cv-00210-OWW-GSA (PC) (E.D. Cal.), is still on appeal, the Court should not count that case as a strike. (Doc. 18).

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1           Therefore, the Court will stay any decision regarding the Order to Show Cause until the  
2 appellate court resolves *Davis v. George*.<sup>1</sup>

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4 IT IS SO ORDERED.

5 Dated: May 10, 2011

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28 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The Court will address arguments regarding whether *Davis v. Alameida, et al.*, No. 05-17055 (9th Cir. dismissed March 2, 2006) and *Davis v. Swartz, et al.*, No. 02-15969 (9th Cir. dismissed July 19, 2009) count as strikes, when the Court returns to resolving the Order to Show Cause in its entirety.