

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON PATTEN,

Plaintiff,

vs.

J. WALKER, *et al.*,

Defendants.

Case No. 1:13-cv-00346-RRB

ORDER ON REMAND

The Ninth Circuit Court of Appeals dismissed the appeal filed by Plaintiff Jason Patten in this matter and issued its mandate. The record in this matter reflects the following sequence:

June 9, 2015: The Court dismissed the Complaint with leave to amend and revoked Patten's *in forma pauperis* status. Patten was granted through and including July 15, 2015, within which to file an amended complaint and pay the filing fee.¹

July 10, 2015: The Court extended Patten's time to file his amended complaint and pay the filing fee through August 14, 2015.²

August 25, 2015: Patten appealed the Court's denial of his motion to proceed IFP.³

¹ Docket 16.

² Docket 18.

³ Docket 19.

April 27, 2016: Court of Appeals dismissed the appeal for failure to file an opening brief.⁴

June 6, 2016: Court of Appeals reinstated the appeal.⁵

October 7, 2016: Court appeals dismissed the appeal and issued its mandate.⁶

Jurisdiction over this matter has been re-vested in this Court. Therefore, on or before **Monday, November 14, 2016**, Patten must:

1. File an Amended Complaint in accordance with the Court's June 9, 2014, Order;
- and
2. ***Either*** pay the filing fee ***or*** submit a new application to proceed *in forma pauperis*.

In the event that Plaintiff fails to file an amended complaint, together with the filing fee or motion to proceed in forma pauperis, and otherwise comply with the provisions of this Order within the time ordered by the Court, the Court may dismiss this action without further notice.

IT IS SO ORDERED this 11th day of October, 2016.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

⁴ Docket 27.

⁵ Docket 29.

⁶ Docket 30.