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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,)	1:15-cv-01918-AWI-BAM (PC)
)	
Plaintiff,)	ORDER REGARDING APPLICATION TO
)	PROCEED IN FORMA PUAPERIS
v.)	
)	
C. OGBUEHI, et al.,)	FORTY-FIVE DAY DEADLINE
)	
Defendants.)	
)	
)	

Plaintiff Raymond Alford Bradford is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to the undersigned pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

Plaintiff initiated this action on December 28, 2015. (ECF No. 1.) On January 22, 2016, Plaintiff submitted an application to proceed in forma pauperis. (ECF No. 4.) On March 4, 2016, the Court issued an order denying Plaintiff’s motion to proceed in forma pauperis and dismissing the action without prejudice to refile with submission of the \$400.00 filing fee. (ECF No. 6.) The Court had determined that Plaintiff was subject to the three strikes provision of 28 U.S.C. § 1915(g) and that he did not satisfy the imminent danger exception. (*Id.*) Plaintiff appealed. (ECF No. 8.)

On March 20, 2017, the Ninth Circuit of the Court of Appeals reversed the Court’s denial of the application to proceed in forma pauperis, and remanded the matter for further proceedings. (ECF No. 12.) The Ninth Circuit issued its mandate on April 11, 2017. (ECF No. 14.)

1 Based on the Ninth Circuit's order reversing and remanding this action, the Court must
2 re-evaluate whether Plaintiff may be granted leave to proceed in forma pauperis. No application
3 to proceed in forma pauperis is currently pending, however. Pursuant to 28 U.S.C. § 1915(a)(1),
4 Plaintiff must submit an application for leave to proceed in forma pauperis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Clerk's Office shall send to Plaintiff an application to proceed in forma
7 pauperis by a state prisoner; and

8 2. Plaintiff shall, within **forty-five days** of the date of service of this order, complete
9 and return the application to proceed in forma pauperis to the Court. Plaintiff's failure to do so
10 will result in a recommendation that this action be dismissed for failure to prosecute and to obey
11 a Court order.

12
13 IT IS SO ORDERED.

14 Dated: April 12, 2017

/s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE