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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICKY GRAY,
Plaintiff,
v.
J. LEWIS, et al.,
Defendants.

Case No. 1:16-cv-00970-BAM (PC)
ORDER REVOKING IN FORMA PAUPERIS
STATUS
(ECF No. 10)
ORDER VACATING ORDER DIRECTING
CDCR TO COLLECT FILING FEE FROM
PLAINTIFF’S TRUST ACCOUNT
(ECF No. 10)
ORDER DISMISSING ACTION WITHOUT
PREJUDICE, PURSUANT TO 28 U.S.C.
§ 1915(g) AND DIRECTING CLERK OF
COURT TO ENTER JUDGMENT

Plaintiff Ricky Gray (“Plaintiff”), a state prisoner proceeding pro se, filed this action in the Northern District of California, pursuant to 28 U.S.C. § 1361, on May 27, 2016. On July 6, 2016, the claims and defendants in Plaintiff’s action arising from Tehachapi (California Correctional Institution) and Corcoran State Prison were severed from the action in the Northern District of California, and transferred to this District. (ECF Nos. 6, 7.) Following an Order to Show Cause, the Northern District denied Plaintiff’s motion to proceed in forma pauperis. That court found that Plaintiff has at least three strikes pursuant to 28 U.S.C. § 1915. (See ECF No. 6.)

Once Plaintiff’s claims had been transferred to this District, this Court granted Plaintiff’s request to proceed in forma pauperis. (ECF No. 10.) Plaintiff filed a consent to magistrate judge

1 jurisdiction. (ECF No. 11.) On May 26, 2017, this Court issued an order to show cause why
2 Plaintiff's in forma pauperis status should not be revoked pursuant to 28 U.S.C. § 1915(g).
3 Plaintiff was ordered to file a response within fourteen (14) days and informed that failure to
4 comply with the Court's order would result in a dismissal of this action. (ECF No. 12.) The
5 deadline for Plaintiff to file a response has expired, and he has not otherwise communicated with
6 the Court.

7 Accordingly, the Court HEREBY ORDERS as follows:

- 8 1. Plaintiff's in forma pauperis status is REVOKED pursuant to 28 U.S.C. § 1915(g);
- 9 2. The Court's order directing the Director of the California Department of Corrections
10 and Rehabilitation or his designee to deduct the \$350.00 filing fee from Plaintiff's
11 trust account whenever the balance exceeds \$10.00 is VACATED;
- 12 3. This action is DISMISSED, without prejudice to refile with the submission of the
13 \$400.00 filing fee in full; and
- 14 4. The Clerk is directed to TERMINATE all pending motions and deadlines, and CLOSE
15 this case.

16
17 IT IS SO ORDERED.

18 Dated: June 19, 2017

18 /s/ Barbara A. McAuliffe
19 UNITED STATES MAGISTRATE JUDGE