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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JOHN E. MITCHELL,	No. 1:16-cv-01148-DAD-EPG (PC)
12	Plaintiff,	
13	v.	ORDER DENYING WITHOUT PREJUDICE
14	D. DAVEY, et al.,	<u>REQUEST FOR RULING BY DISTRICT</u> JUDGE ON ORDER
15	Defendants.	(Doc. No. 72)
16		
17	Plaintiff John E. Mitchell is a state prisoner proceeding pro se in this civil rights action	
18	pursuant to 42 U.S.C. § 1983. On April 2, 2018, defendant Thompson filed a "request for ruling	
19	by district judge on order (ECF Nos. 16, 26)." (Doc. No. 72.) Defendant Thompson requests	
20	that, in light of Williams v. King, 875 F.3d 500 (9th Cir. 2017), the undersigned review the	
21	magistrate judge's screening order <i>de novo</i> , and issue a ruling. ( <i>Id.</i> at 2.)	
22	Defendant's request will be denied.	Following the order of the Ninth Circuit holding
23	plaintiff's appeal in abeyance, plaintiff's in forma pauperis status was revoked by this court.	
24	(Doc. Nos. 58, 71.) If plaintiff fails to pay the required filing fee, this entire action will be	
25	dismissed. (See Doc. No. 71 at 6). Under those circumstances, there would be no need for this	
26	court to review the magistrate judge's earlier screening order. However, if plaintiff chooses to	
27	resume his appeal and this court's decision is reversed, or if plaintiff pays the required filing fee,	
28	the court will address the Williams issue.	
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1	Therefore, IT IS ODDEDED that the defendent Thempson's request for roling by district	
1	Therefore, IT IS ORDERED that the defendant Thompson's request for ruling by district	
2	judge on order (Doc. No. 72) is DENIED without prejudice.	
3	IT IS SO ORDERED.	
4	Dated: April 20, 2018 Jale A. Dugd	
5	UNITED STATES DISTRICT JUDGE	
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