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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST S. HARRIS,  
Plaintiff,  
v.  
SEXTON, et al.,  
Defendants.

No. 1:18-cv-0080 DC SCR P

ORDER

Plaintiff is a former state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. On August 29, 2024, defendants filed a motion to revoke plaintiff’s in forma pauperis status. Pursuant to Local Rule 230(c), plaintiff’s opposition to the motion was due fourteen days after the motion was filed.<sup>1</sup> Plaintiff has not filed an opposition or otherwise responded to defendants’ motion. Plaintiff will be given one more opportunity to file a response to defendants’ motion. If he fails to file a timely response, the undersigned will recommend this action be dismissed for plaintiff’s failure to prosecute and comply with court rules.

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<sup>1</sup> Plaintiff informed the court on May 21, 2024 that he is no longer incarcerated. Therefore, the rules applicable to non-incarcerated parties apply in this case. Even if plaintiff was still entitled to the additional seven days provided by Local Rule 230(1) for incarcerated parties, the due date for his opposition has expired.

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Accordingly, within fourteen days of the date of this order, plaintiff shall file a response to defendants' motion to revoke plaintiff's in forma pauperis status. Plaintiff's failure to file a timely response will result in a recommendation that this case be dismissed.

DATED: October 25, 2024



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SEAN C. RIORDAN  
UNITED STATES MAGISTRATE JUDGE