

1 *Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that “the exception applies if the
2 complaint makes a plausible allegation that the prisoner faced ‘imminent danger of serious
3 physical injury’ at the time of filing.”). Plaintiff’s complaint also alleges facts that, when read
4 light most favorable to plaintiff, suggest the possibility that he may qualify for the “imminent
5 danger” exception. (See Doc. No. 1 IV ¶¶ 18–19, 30.) In the abundance of caution, the court
6 now finds that the issue of whether plaintiff qualifies for the imminent danger should be explored
7 further by the court. Accordingly, the court exercises its discretion to vacate the December 6,
8 2019 order denying plaintiff’s IFP status. See *City of Los Angeles, Harbor Div. v. Santa Monica*
9 *Baykeeper*, 254 F.3d 882, 886 (9th Cir. 2001) (holding that district courts have the inherent power
10 “to rescind, reconsider, or modify an interlocutory order” at any time). Plaintiff is instructed to
11 file an amended complaint including all factual asserted in his motions for reconsideration in
12 support of his contention that he was in “imminent danger” at the time his complaint was filed so
13 that the assigned magistrate judge can consider that issue based upon all of the facts that plaintiff
14 can allege in good faith.¹ In light of this order, plaintiff’s motions for reconsideration will be
15 denied as moot.

16 Plaintiff also seeks to “expedite this instant action.” (Doc. No. 17 at 1; see also Doc. No.
17 18.) Plaintiff, however, fails to specify how this action should be “expedited,” nor has plaintiff
18 cited to any statute authorizing the court to grant such relief.

19 Accordingly, IT IS ORDERED that:

- 20 1. The December 6, 2019 order (Doc. No. 13) is VACATED;
- 21 2. Plaintiff is instructed to file an amended complaint within forty-five (45) days from
22 the date of this order;
- 23 3. The matter is referred back to the magistrate judge to consider the “imminent danger”
24 exception based on plaintiff’s amended complaint, or to proceed accordingly if
25 plaintiff fails to file his amended complaint within the specified time period;

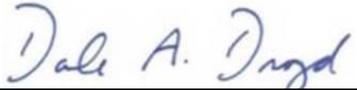
26 _____
27 ¹ The court notes that plaintiff did not assert in his original application that he qualified for *in*
28 *forma pauperis* status under the imminent danger exception and thus that question was not
addressed either in the magistrate judge’s findings and recommendations or in this court’s order
adopting that recommendation.

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- 4. Plaintiff's motions for reconsideration (Doc. Nos. 14, 16) are DENIED as MOOT;
- 5. Plaintiff's motions to expedite action (Doc. Nos. 17-18) are also DENIED.

IT IS SO ORDERED.

Dated: November 16, 2020


UNITED STATES DISTRICT JUDGE