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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY C. BONTEMPS,
Plaintiff,
v.
SOTAK, et al.,
Defendants.

No. 2:09-cv-2115-MCE-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. His request to proceed in forma pauperis was previously granted, but on March 4, 2014, defendant moved to revoke that grant, arguing that plaintiff had sustained “three strikes” under 28 U.S.C. § 1915(g). ECF No. 74. Defendant’s motion was granted and plaintiff’s in forma pauperis status was revoked. ECF Nos. 92, 96.

Plaintiff appealed that ruling and the Ninth Circuit reversed, finding that one of the prior cases this court had relied on as a “strike” – *Bontemps v. Kramer*, 2:06-cv-02580 (E.D. Cal.) – did not qualify as such because the dismissal was ordered after plaintiff had received the only relief he sought in the action and the case was therefore moot. ECF No. 103. Therefore, the Court of Appeals vacated this court’s order revoking plaintiff’s in forma pauperis status. *Id.* The Ninth Circuit’s mandate issued on November 13, 2017. ECF No. 104.

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In accordance with the order of the Court of Appeals, it is hereby ordered that plaintiff's
in forma pauperis status is reinstated.

DATED: November 27, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE