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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROGER GIFFORD,  
  
  Plaintiff,  
  
  v.  
  
PETER KAMPA, et al.,  
  
  Defendants.

No. 2:17-CV-2421-TLN-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the court are the following motions: (1) motion to dismiss filed by defendant Winston (ECF No. 24); (2) motion to strike filed by defendant Winston (ECF No. 25); (3) amended motion to dismiss filed by defendants Hornbrook Community Services District, Peter Kampa, Robert Puckett, Sr., Melissa Tullado, Julie Bowles, Clint Dingman, and Ernest Goff (ECF No. 26); and (4) motion to revoke plaintiff’s in forma pauperis status filed by defendant Winston (ECF No. 39).

Pursuant to the court’s June 5, 2019, order, the hearing on all motions except the recently-filed motion to revoke plaintiff’s in forma pauperis status is set for July 10, 2019, at 10:00 a.m., before the undersigned in Redding, California. See ECF No. 38. Defendant Winston has noticed his motion to revoke plaintiff’s in forma pauperis status for hearing before the undersigned on August 7, 2019.

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1           As an initial matter, the court observes that defendant Winston's motion to revoke  
2 plaintiff's in forma pauperis status is made under 28 U.S.C. § 1915(e)(2), which provides that the  
3 court shall dismiss any action that is frivolous, fails to state a claim upon which relief can be  
4 granted, or seeks monetary relief from immune defendants notwithstanding any filing fee or  
5 portion thereof which has been paid. This authority does not provide for revocation of plaintiff's  
6 in forma pauperis status.<sup>1</sup> Rather, and as argued substantively in defendant Winston's motion, the  
7 rule allows for dismissal of an action for the listed reasons. The court also observes that the  
8 arguments outlined in defendant Winston's pending motions are generally similar in that  
9 defendant Winston seeks dismissal of plaintiff's claims against him, not revocation of plaintiff's  
10 in forma pauperis status. Therefore, defendant Winston's motion to revoke plaintiff's in forma  
11 pauperis status is construed as a supplemental motion to dismiss.

12           On the court's own motion and good cause appearing therefor, the court will re-set  
13 the motions currently scheduled for hearing on July 10, 2019, for hearing on August 7, 2019, such  
14 that all pending motions challenging the sufficiency of plaintiff's pleading will be heard on the  
15 same date. Briefing on the pending motions shall comply with the time limits set forth in Eastern  
16 District of California Local Rule 230(c).

17           Accordingly, IT IS HEREBY ORDERED that the motions currently set for  
18 hearing on July 10, 2019 (ECF Nos. 24, 25, and 26), are continued to August 7, 2019, before the  
19 undersigned in Redding, California, at 10:00 a.m.

20  
21 Dated: June 13, 2019

22   
23 DENNIS M. COTA  
24 UNITED STATES MAGISTRATE JUDGE

25  
26 <sup>1</sup> Revocation of in forma pauperis status is permitted in certain circumstances under  
27 28 U.S.C. § 1915(g) for actions filed by prisoners. This provision does not apply in the current  
28 case because plaintiff is not a prisoner. To the extent defendant Winston seeks an order declaring  
plaintiff a vexatious litigant under the All Writs Act and Eastern District of California Local Rule  
151, that issue is properly before the court on defendant's motion.