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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THEODORE SHOVE,  
Plaintiff,  
v.  
MCDONALD, et al.,  
Defendants.

Case No. [14-cv-02903-JD](#)

**ORDER ON MOTIONS**

Re: Dkt. Nos. 66, 74, 77, 78, 79, 80, 81, 82,  
83

This is a civil rights case brought pro se by a state prisoner. The Court granted defendants’ motion to revoke plaintiff’s in forma pauperis (“IFP”) status. The case was dismissed and closed after plaintiff failed to pay the filing fee. The Ninth Circuit reversed and remanded in light of two recently decided cases that clarified what dismissals may constitute strikes. Docket No. 50. On August 8, 2017, the case was reopened and defendants filed a second motion to revoke plaintiff’s IFP status identifying different cases. In light of the Ninth Circuit cases cited in the remand order, and the facts in this case, specifically with respect to plaintiff’s financial situation and claims, the Court denies defendants’ second motion to revoke IFP, the case will continue and plaintiff will continue proceeding IFP. This is for the limited purpose of this case and has no bearing on plaintiff’s IFP status in any other or future case. Defendants’ motion for a protective order to stay discovery is denied and discovery will continue. If plaintiff seeks to compel discovery he must first seek it from defendants. If plaintiff files a motion to compel in this Court he must identify what discovery he seeks, why defendants’ response was improper and why he is entitled to the discovery. Plaintiff is advised to submit specific discovery requests to defendants that are relevant to this action.

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**CONCLUSION**

1. Defendants’ motions (Docket Nos. 66, 74, 81) are **DENIED**.

2. Plaintiff’s motions (Docket Nos. 77, 78, 79, 80, 82, 83) are **VACATED**.

3. Defendants shall file a motion for summary judgment within ninety days from service or this order or indicate that no motion will be filed. All other aspects of the Order of Service (Docket No. 13) remain in effect and the parties shall refer to that Order.

4. The Clerk shall send plaintiff a copy of the Order of Service (Docket No. 13).

5. It is the plaintiff’s responsibility to prosecute this case. Plaintiff must keep the Court informed of any change of address by filing a separate paper with the clerk headed “Notice of Change of Address,” and must comply with the Court’s orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: November 7, 2017

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 THEODORE SHOVE,  
4 Plaintiff,

5 v.

6 MCDONALD, et al.,  
7 Defendants.  
8

Case No. [14-cv-02903-JD](#)

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on November 7, 2017, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Theodore Shove ID: G11092  
18 San Quentin State Prison  
19 San Quentin, CA 94974

20 Dated: November 7, 2017  
21

22 Susan Y. Soong  
23 Clerk, United States District Court

24  
25 By:   
26 LISA R. CLARK, Deputy Clerk to the  
27 Honorable JAMES DONATO  
28