

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY MITCHELL

Plaintiff,

vs.

RANDY GROUNDS, et al.,

Defendants.

No. C 11-03012 EJD (PR)

ORDER GRANTING MOTION
FOR RECONSIDERATION;
VACATING JUDGMENT AND
REOPENING CASE

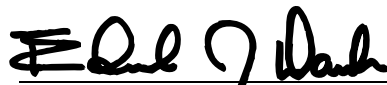
Plaintiff, a state prisoner, filed a pro se civil rights action pursuant to 42 U.S.C. § 1983. On August 11, 2011, the Court dismissed the instant action for failure to pay the filing fee or file an in forma pauperis (“IFP”) application. (See Docket No. 3.)

On August 24, 2011, Plaintiff filed a letter asserting that he sent the IFP application to prison officials for processing in a timely manner, and that he should not be penalized for the delay caused by prison officials. (Docket No. 6.) Plaintiff also filed a complete IFP application. (Docket No. 7.) The Court will construe the letter as a motion for reconsideration. Good cause appearing, the motion is GRANTED. Accordingly, the Judgment entered on August 11, 2011, (Docket No. 4) is VACATED. The Court will conduct an initial screening of the complaint in a

1 separate order.

2 The Clerk shall reopen the file.

3
4 DATED: October 12, 2011


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GREGORY MITCHELL,
Plaintiff,

Case Number: CV11-03012 EJD

CERTIFICATE OF SERVICE

v.

RANDY GROUNDS, et al.,
Defendants.

_____/

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

That on 10/12/2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gregory Mitchell D44205
P. O. Box 689
Soledad, CA 93690

Dated: 10/12/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk