

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ARTHUR RAY ROBINSON (#425796)

CIVIL ACTION

VERSUS

STATE OF LOUISIANA, ET AL.

NO. 05-1016-RET-DLD

O R D E R

This matter comes before the Court on the plaintiff's Motion for Relief from Judgment or Order, rec.doc.no. 137, brought pursuant to Rule 60(b)(2) and (5) of the Federal Rules of Civil Procedure. In this motion, the plaintiff complains of the Court's Order of January 5, 2011, rec.doc.no. 125, which revoked the prior grant of in forma pauperis status to the plaintiff and ordered him to pay, within thirty (30) days, the remaining balance of the Court's filing fee. The plaintiff asserts that he has now paid the remaining balance in the amount of \$ 248.91, and he requests that the "final judgment" entered in this case be vacated. In addition, he requests that the pretrial conference previously scheduled in this case be rescheduled.

The plaintiff's motion shall be denied. Because the plaintiff has amassed three "strikes" within the meaning of 28 U.S.C. § 1915, the Court correctly determined, in its Order of January 5, 2011, rec.doc.no. 125, that the plaintiff is no longer entitled to proceed in forma pauperis in this case. Accordingly, no relief from the referenced Order is warranted. Further, inasmuch as the plaintiff thereafter paid the remaining balance of the Court's filing fee, no "final judgment" was entered in this proceeding, and so there is no judgment which must be vacated. Finally, the Court has now entered an Order rescheduling the pretrial conference in this case, see rec.doc.no. 138, and accordingly, the plaintiff's request for a pretrial conference is now moot. For these reasons,

**IT IS ORDERED** that the plaintiff's Motion for Relief from Judgment or Order, rec.doc.no. 137, be and it is hereby **DENIED**.

Signed in Baton Rouge, Louisiana, on March 11, 2011.

  
\_\_\_\_\_  
MAGISTRATE JUDGE DOCIA L. DALBY