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28UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LANCE REBERGER,

Case No. 3:15-cv-00143-MMD-VPC

Plaintiff,

ORDER

v.

MICHAEL BYRNE et al.,

Defendants.

**I. DISCUSSION**

On March 16, 2015, this Court entered an order denying Plaintiff's application to proceed *in forma pauperis* because the Court found that Plaintiff had three strikes pursuant to 28 U.S.C. § 1915(g). (Dkt. no. 3 at 1-2.) The Court also denied Plaintiff's motion for temporary restraining order/preliminary injunction in that order. (*Id.* at 2-3.)

On March 25, 2015, Plaintiff filed a motion to order the Court Clerk to immediately file his emergency motion for TRO and preliminary injunction. (Dkt. no. 4 at 1.) On March 27, 2015, Plaintiff filed a notice of appeal on the order denying Plaintiff's application to proceed *in forma pauperis*. (Dkt. no. 5.) On April 23, 2015, the Ninth Circuit issued an order holding all pending motions and Plaintiff's appeal in abeyance pending the resolution of one of Plaintiff's other cases appealing his three strikes status. (Dkt. no. 7 at 1-2.)

The Court now denies Plaintiff's motion to order the Court Clerk to immediately file his motion for TRO/preliminary injunction (dkt. no. 4), without prejudice, and with leave to re-file the motion pending the Ninth Circuit's resolution of Plaintiff's three strikes status.

1 **II. CONCLUSION**

2 For the foregoing reasons, it is ordered that the motion to order the Court Clerk to  
3 immediately file the motion for TRO/preliminary injunction (dkt. no. 4) is denied, without  
4 prejudice, with leave to re-file the motion pending the Ninth Circuit's resolution of  
5 Plaintiff's three strikes status.

6 DATED THIS 4<sup>th</sup> day of February 2016.

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9 MIRANDA M. DU  
10 UNITED STATES DISTRICT JUDGE

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