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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRANCE JON IRBY,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

CASE NO. C15-5208 RJB

ORDER STRIKING PORTION OF
PRIOR ORDER AND MOTION
AS MOOT

This matter comes before the Court *sua sponte*. The Court has considered the record and is fully advised.

On February 28, 2017, the undersigned issued an order, indicating that Plaintiff's February 16, 2017 Motion for Clarification (Dkt. 30) "raises a substantial issue" and pursuant to Fed. R. Civ. P. 62.1(b), ordered Plaintiff to "promptly notify the circuit clerk under Federal Rule of Appellate Procedure 12.1" that the undersigned found that Plaintiff's "motion raises a substantial issue." That same day, the Ninth Circuit Court of Appeals vacated this Court's May 18, 2015 order that adopted a report and recommendation and denied Plaintiff *in forma pauperis* status. Dkt. 32. Accordingly, the portion of this Court's February 28, 2017 order requiring

1 Plaintiff to notify the circuit clerk that the undersigned found his motion for clarification “raises
2 a substantial issue” should be stricken as moot. Further, his motion for clarification (Dkt. 30)
3 should be stricken as moot.

4 **IT IS SO ORDERED.**

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
6 to any party appearing *pro se* at said party’s last known address.

7 Dated this 28th day of February, 2017.

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10 ROBERT J. BRYAN
United States District Judge