

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 25 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROBIN LUCAS; VALERIE MERCADEL;
RAQUEL DOUTHIT,

Plaintiffs-Appellees,

v.

O. IVAN WHITE; LOY HAYES; DENNIS
SMITH; SHEILA YARBOROUGH;
WAYNE ERNST; GARFIELD SAMUELS;
UNITED STATES OF AMERICA; PETER
M. CARLSON; KATHLEEN HAWK;
CONSTANCE REESE, Warden;
MARGARET HARDING; L. R. GREER;
DENNIS GILLETTE; CHARLES
GILLETTE,

Defendants-Appellees,

v.

RHONDA FLEMING, Proposed Intervenor,

Movant-Appellant.

No. 19-15176

D.C. No. 3:96-cv-02905-TEH
Northern District of California,
San Francisco

ORDER

Before: W. FLETCHER and WATFORD, Circuit Judges.

Appellant's motion for injunctive relief pending appeal (Docket Entry No. 3)
is denied.

Appellant's motion for appointment of counsel (Docket Entry No. 5) is
denied. No motions for reconsideration, clarification, or modification of this

denial shall be filed or entertained.

The district court granted appellant leave to appeal in forma pauperis. Therefore, appellant's motion to proceed in forma pauperis (Docket Entries No. 2 & 4) is denied as moot. *See* Fed. R. App. P. 24(a)(2). Pursuant to 28 U.S.C. § 1915(b)(1) and (2), however, appellant eventually must pay the full amount of the filing and docketing fees for this appeal.

Accordingly, within 21 days after the date of this order, appellant shall complete and file with this court the enclosed prisoner authorization form, which directs the prison officials at appellant's institution to assess, collect, and forward to the court the \$505.00 filing and docketing fees for this appeal on a monthly basis whenever funds exist in appellant's trust fund account. These fees will continue to be collected regardless of the date or manner of disposition of this appeal. *See* 28 U.S.C. § 1915(b)(2), (e)(2).

If appellant fails to comply with this order, the Clerk shall dismiss this appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

The Clerk shall file the opening brief submitted at Docket Entry No. 7.

The answering brief is due May 29, 2019, and the optional reply brief is due within 21 days after service of the answering brief.

Because appellant is proceeding without counsel, the excerpts of record requirement is waived. *See* 9th Cir. R. 30-1.2.

Appellees' supplemental excerpts of record are limited to the district court docket sheet, the notice of appeal, the judgment or order appealed from, and any specific portions of the record cited in the answering brief. *See* 9th Cir. R. 30-1.7.

The Clerk shall serve this order and a prisoner authorization form on appellant.