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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMAINE CARROLL,

 Plaintiff,

 v.

STATE OF CALIFORNIA, et al.,

 Defendants.

No. 1:23-cv-00974 NODJ GSA (PC)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS ISSUED AUGUST
28, 2023

(ECF No. 11)

ORDER DISREGARDING MOTION FOR
RECONSIDERATION OF IN FORMA
PAUPERIS, EXTENSION OF TIME,
INJUNCTIVE RELIEF

(ECF No. 13)

Plaintiff, a state prisoner proceeding in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Plaintiff is represented by counsel. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court is its outstanding order recommending that this matter be dismissed for failure to comply with a court order, and Plaintiff’s motion for reconsideration. ECF Nos. 11, 13, respectively. For the reasons stated below, the outstanding order recommending that this matter be dismissed will be vacated. In addition, Plaintiff’s motion for reconsideration will be disregarded.

1 I. PENDING FINDINGS AND RECOMMENDATIONS ORDER

2 On August 28, 2023, the Court issued an order recommending that this matter be
3 dismissed because Plaintiff had neither paid the filing fee nor filed an application to proceed in
4 forma pauperis. ECF No. 11. Since then, Plaintiff has filed a properly completed in forma
5 pauperis application and has been granted in forma pauperis status. ECF Nos. 12, 14.
6 Consequently, the pending findings and recommendations order is moot. Therefore, it will be
7 vacated.

8 II. MOTION FOR RECONSIDERATION

9 On November 11, 2023, Plaintiff filed a motion for reconsideration. ECF No. 13. The
10 motion, which is handwritten and signed by Plaintiff, and was not filed by counsel.¹ See id. The
11 motion also appears to request an extension of time to file an in forma pauperis application as
12 well as injunctive relief. Id.

13 Because Plaintiff is represented by counsel, and in order to eliminate confusion and the
14 filing of conflicting documents, absent exigent circumstances, going forward the Court will only
15 consider filings docketed by Plaintiff's counsel. Accordingly, Plaintiff's motion for
16 reconsideration and all requests in it will be disregarded as improperly filed.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The findings and recommendations order issued August 28, 2023 (ECF No. 11), is
19 hereby VACATED, and
20 2. Plaintiff's motion for reconsideration (ECF No. 13) is DISREGARDED for the
21 reasons stated above.

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23 IT IS SO ORDERED.

24 Dated: December 19, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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28 ¹ On the caption page of the motion, it identifies several other cases Plaintiff has before this Court. See ECF No. 13 at 1.

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