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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 John Calvin Neuendorf, II,)

No. CV 10-766-PHX-RCB (DKD)

10 Plaintiff,)

ORDER

11 vs.)

12 Unknown Party, et al.,)

13 Defendants.)
14

15 Pending in this closed case is Plaintiff's "Motion: for Copy of Docket CV 00766-
16 RCB" (Doc. 17). The Court will grant the Motion in part and deny the Motion in part.

17 **I. Procedural Background**

18 On April 6, 2010, Plaintiff John Calvin Neuendorf, II, who is confined in the
19 Maricopa County Fourth Avenue Jail, filed a *pro se* civil rights Complaint pursuant to 42
20 U.S.C. § 1983 (Doc. 1). Plaintiff did not immediately pay the \$350.00 civil action filing fee
21 or file an Application to Proceed *In Forma Pauperis* with the Complaint.

22 On the first page of the Complaint, Plaintiff marked the box next to "First Amended
23 Complaint." Despite this indication that the Complaint was meant as a First Amended
24 Complaint, the Clerk of Court treated the pleading as a new Complaint and opened the
25 instant case because Plaintiff had not filled in a case number in the caption of the Complaint.

26 Upon investigating the matter, the Court determined that the Complaint was
27 apparently meant as a First Amended Complaint in another case filed by Plaintiff (CV 10-
28 124-PHX-RCB (DKD)). In the interest of justice, the Court, by Order filed April 9, 2010

1 (Doc. 3), dismissed this case without prejudice and directed the Clerk of Court to file a copy
2 of the Complaint (Doc. 1) as a First Amended Complaint in case number CV 10-124-PHX-
3 RCB (DKD), *nunc pro tunc* April 6, 2010. Judgment was entered in the instant case on
4 April 9, 2010 (Doc. 4). On September 2, 2010, Plaintiff filed a Notice of Appeal (Doc. 7).

5 On August 9, 2010, Plaintiff filed a "Motion to the Court" (Doc. 5), in which he asked
6 for "extensions & or the re[opening and new directives]" for this and two other cases. Then,
7 on August 20, 2010, Plaintiff filed a "Motion for Consideration to Reopen Case" (Doc. 6),
8 in which he requested that the Court reopen this and one other case. By Order filed
9 September 16, 2010 (Doc. 10), Plaintiff's "Motion to the Court" (Doc. 5) and "Motion for
10 Consideration to Reopen Case" (Doc. 6), which the Court treated as being brought pursuant
11 to Rule 60(b) of the Federal Rules of Civil Procedure, were both denied.

12 On November 4, 2010, the Mandate of the Ninth Circuit Court of Appeals (Doc. 16),
13 dismissing Plaintiff's appeal (Doc. 7) for lack of jurisdiction, was filed in this action. While
14 the appeal was still pending, Plaintiff filed a "Motion: Bond For Costs On Appeal In A Civil
15 Case Rule 7" (Doc. 11), a "Motion For Discovery (Injuries)" (Doc. 12), a "Motion for Bond
16 for Costs on Appeal in a Civil Case Title II Rule 7" (Doc. 13), a "Motion: For Transcripts
17 of Comple[te Record" (Doc. 14), and a "Motion: To or for Reconsideration Rule 60(B)"
18 (Doc. 15). By Order filed November 16, 2010 (Doc. 17), the Court denied all of these
19 Motions.

20 **II. Pending Motion for Copy of Docket**

21 On November 15, 2010, Plaintiff filed a "Motion: for Copy of Docket CV 00766-
22 RCB" (Doc. 17), in which Plaintiff seeks a copy of the docket and the original Complaint for
23 CV 10-124-PHX-RCB (DKD), "to include" CV 10-766-PHX-RCB (DKD), because his
24 "paperwork has been damaged due to the flooding of [his] cell and is destroyed."

25 Plaintiff's Motion will granted to the extent that the Court will direct the Clerk of
26 Court to send Plaintiff a copy of the docket in this action and denied in part as to all other
27 relief requested. This Court is not in a position to act as a copy service for Plaintiff.
28 Moreover, this case is closed and must remain closed.

1 **IT IS ORDERED:**

2 (1) Plaintiff's "Motion: for Copy of Docket CV 00766-RCB" (Doc. 17) is **granted**
3 **in part** to the extent that the Clerk of Court **must send** to Plaintiff a copy of the docket in
4 this action and **denied in part** as to all other relief requested.

5 (2) This case **must remain closed**.

6 DATED this 6th day of December, 2010.

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Robert C. Broomfield
Senior United States District Judge

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