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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Thomas Bastian,

Plaintiff,

vs.

United States,

Defendant.

No. CV 10-2743-PHX-RCB (ECV)

ORDER

On December 22, 2010, Plaintiff Thomas Bastian, who is confined in the Arizona State Prison Complex-Eyman in Florence, Arizona, filed a *pro se* "Complaint Pursuant to Rules 41(e) and (g) of Criminal Procedure for Return of Property."

In a January 3, 2011 Order, the Court noted that Plaintiff had not paid the \$350.00 civil action filing fee or filed an Application to Proceed *In Forma Pauperis*. The Court gave Plaintiff 30 days either to pay the fee or file a complete Application to Proceed, warned Plaintiff that the Court may dismiss the case if Plaintiff failed to timely comply with every provision of the Order, and informed Plaintiff that the Clerk of Court would enter a judgment of dismissal of this action if he failed to either pay the filing fee or file a complete Application to Proceed within 30 days.

On January 19, 2011, Plaintiff filed a Motion for Filing of Search Warrant Affidavit. In a February 22, 2011 Order, the Court noted that Plaintiff had not paid the filing fee or filed an Application to Proceed *In Forma Pauperis*. Therefore, the Court dismissed the case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and

1 denied as moot the Motion for Filing of Search Warrant Affidavit. On February 22,
2 2011, the Clerk of Court entered Judgment.

3 On December 11, 2012, Plaintiff filed a "Motion Requesting Filing of Search
4 Warrant Affidavit and Copy of Search Warrant and Attachments." In a March 19, 2013
5 Order, the Court denied the Motion because this case is closed.

6 On October 7, 2013, Plaintiff, through a "next friend," filed a Motion Requesting
7 Court Order Compelling Petitioner Possession and Access to a Personal Typewriter
8 (Doc. 10). Plaintiff seeks permission to possess and access a personal typewriter to
9 prepare an inchoate habeas corpus petition. Even if the Court granted "next friend" status
10 to the individual who filed the Motion, the Court would nevertheless deny the Motion
11 because this case is **closed**. This case has been closed for twenty months and, even it was
12 not, Plaintiff's Motion is completely unrelated to the subject matter of this case. Thus,
13 the Court will deny Plaintiff's Motion.

14 **IT IS ORDERED:**

15 (1) Plaintiff's Motion Requesting Court Order Compelling Petitioner
16 Possession and Access to a Personal Typewriter (Doc. 10) is **denied**.

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

18 (3) **The Clerk of Court shall accept no further documents for filing in this**
19 **case number.**

20 DATED this 28th day of October, 2013.

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24 Robert C. Broomfield
25 Senior United States District Judge
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