

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

9 Thomas Bastian,

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

10 Plaintiff,

11 vs.

ORDER

12 United States,

13 Defendant.
14

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

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

25 On January 19, 2011, Plaintiff filed a Motion for Filing of Search Warrant
26 Affidavit.

27 In a February 22, 2011 Order, the Court noted that Plaintiff had not paid the filing
28 fee or filed an Application to Proceed *In Forma Pauperis*. Therefore, the Court

1 dismissed the case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and
2 denied as moot the Motion for Filing of Search Warrant Affidavit. On February 22,
3 2011, the Clerk of Court entered Judgment.

4 On December 11, 2012, Plaintiff filed a “Motion Requesting Filing of Search
5 Warrant Affidavit and Copy of Search Warrant and Attachments” (Doc. 8), in which he
6 requests that the Court “unseal the probable cause affidavit and transcripts, and provide
7 the [Plaintiff] with a copy of the search warrant, attachments, return of search warrant,
8 and search warrant affidavit.” Because this case is closed, the Court will deny Plaintiff’s
9 Motion.

10 **IT IS ORDERED:**

11 (1) Plaintiff’s “Motion Requesting Filing of Search Warrant Affidavit and
12 Copy of Search Warrant and Attachments” (Doc. 8) is **denied**.

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

14 DATED this 19th day of March, 2013.

15
16
17 

18 Robert C. Broomfield
19 Senior United States District Judge
20
21
22
23
24
25
26
27
28