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NOT FOR PUBLICATION

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

Edward Faye Parks, et al.,

Plaintiffs,

vs.

Mike McCluskey, et al.,

Defendants.

) No. CV 10-8055-PCT-GMS (DKD)

) **ORDER**

\_\_\_\_\_ )  
Pending before the Court in this closed case is Plaintiff Edward Faye Parks’s “Motion, To Show Cause” (Doc. 11). The Court will deny the Motion as moot.

**I. Procedural Background**

On March 17, 2010, Plaintiff Edward Faye Parks, who is confined in the Great Plains Correctional Facility in Hinton, Oklahoma, and Plaintiff Amelia French, who resides in Bullhead City, Arizona, filed a *pro se* Complaint in the United States District Court for the Southern District of New York. By Order filed March 17, 2010 (Doc. 3), that Court transferred the action to this Court.

When the action was transferred to this Court, the Plaintiffs had not paid the \$350.00 civil action filing fee but Plaintiff Edward Faye Parks had filed a “Request To Proceed *In Forma Pauperis*” (Doc. 7). Plaintiff Amelia French had not filed an Application to Proceed *In Forma Pauperis*. By Order filed May 24, 2010 (Doc. 9), the Court denied the “Request To Proceed *In Forma Pauperis*” and dismissed the Complaint and this action without

1 prejudice under 28 U.S.C. § 1915(g) because at least three of Plaintiff Parks's prior actions  
2 had been dismissed for failure to state a claim and Plaintiff Parks had not alleged in the  
3 Complaint that he was in imminent danger of serious physical injury. Judgment was entered  
4 on May 24, 2010 (Doc. 10). Plaintiffs did not file an appeal.

5 **II. Pending Motion**

6 On August 26, 2010, Plaintiff Parks filed a "Motion, To Show Cause" (Doc. 11).  
7 Because this action has been dismissed, the Court will deny this Motion as moot.

8 **IT IS ORDERED:**

- 9 (1) Plaintiff Parks's "Motion, To Show Cause" (Doc. 11) is **denied as moot**.  
10 (2) This case **must remain closed**.

11 DATED this 7th day of October, 2010.

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14 G. Murray Snow  
15 United States District Judge  
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