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LINK:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	CV 17-01133 BRO (Ex)	Date	August 8, 2017
Title	ERIC SMITH V. BOARD OF TRUSTEES ET AL.		

Present: The Honorable	BEVERLY REID O'CONNELL, United States District Judge		
Renee A. Fisher	Not Present	N/A	
Deputy Clerk	Court Reporter	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (IN CHAMBERS)

ORDER CLOSING CASE

On February 13, 2017, Plaintiff filed his operative Complaint (the “Complaint”) in the Central District of California, against Defendants Board of Trustees (“BOT”) and California State University, Fullerton (collectively, “Defendants”). (*See* Dkt. No. 1 (hereinafter, “Compl.”).) Plaintiff brings a claim for violation of due process under the Fourteenth Amendment. (*See* Compl. at 6.) This claim is premised upon Defendants’ alleged dismissal of Plaintiff from California State University, Fullerton without first holding a hearing. (*See id.* at 7–8, ¶ 23.) Also on February 13, 2017, Plaintiff filed a Request for Appointment of Counsel arguing that he is entitled to appointment of counsel because the court’s staff and judges are biased against him. (Dkt. No. 4 (hereinafter, “Request for Counsel”) at 2.)

Defendant BOT moved to dismiss Plaintiff’s Complaint on March 24, 2017. (*See* Dkt. No. 11.) Concurrently, BOT filed a Request for Judicial Notice. (Dkt. No. 12 (“RJN”).) On March 29, 2017, the Court denied Plaintiff’s Request for Counsel. (*See* Dkt. No. 13.) On April 11, 2017, Plaintiff moved for reconsideration of the Court’s ruling on his Request for Counsel. (*See* Dkt. No. 14 (“Reconsideration Request”).) On May 5, 2017, the Court granted BOT’s Motion to Dismiss, and denied Plaintiff’s Reconsideration Motion. (*See* Dkt. No. 18 (“Dismissal Order”).) In its Dismissal Order, the Court granted Plaintiff leave to amend his pleadings by no later than June 5, 2017. (*See* Dismissal Order at 15.) On May 15, 2017, Plaintiff appealed the Court’s Dismissal Order to the United States Court of Appeals for the Ninth Circuit. (*See* Dkt. No. 19.) Also on May 15, 2017, Plaintiff sought leave to appeal *in forma pauperis*, (Dkt. No. 20), which the Court denied, (Dkt. No. 22).

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To date, Plaintiff has failed to file any amended pleading. Thus, no operative pleading is pending before the Court at this time. Plaintiff’s claim remains dismissed and the Court hereby closes the case.

IT IS SO ORDERED.

Initials of Preparer _____ :
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