

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 STEVEN C. MARTINEZ,) 1:07cv0996 DLB
11)
12 Plaintiff,) ORDER DENYING PLAINTIFF'S EX PARTE
13 v.) APPLICATION FOR ORDER PERMITTING
14) RE-FILING AGAINST PARTIES DISMISSED
15) WITHOUT PREJUDICE IN THE PRESENT
STATE OF CALIFORNIA, et al.,) ACTION
Defendants.) (Document 130)

16
1718 Plaintiff Steven C. Martinez ("Plaintiff") filed the instant ex parte application on April 1,
19 2009, seeking either: (1) an order that he be permitted to re-file federal claims against Defendants
20 Childress, Garcia, Sena, Nacar, Van Atta and Smith in the present action; or (2) an order that the
21 time for re-filing the federal claims against these defendants be tolled until after the rulings on
22 the motions presently pending before the Court.23 Upon review of Plaintiff's application, the Court finds that good cause does not exist to
24 grant Plaintiff's request ex parte. The ex parte application is therefore DENIED.25 IT IS SO ORDERED.
2627 **Dated: April 3, 2009**28 **/s/ Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE