

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEVEN C. MARTINEZ,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

) 1:07cv0996 DLB

) ORDER DENYING PLAINTIFF'S EX PARTE
) APPLICATION FOR ORDER PERMITTING
) RE-FILING AGAINST PARTIES DISMISSED
) WITHOUT PREJUDICE IN THE PRESENT
) ACTION

) (Document 130)

Plaintiff Steven C. Martinez ("Plaintiff") filed the instant ex parte application on April 1, 2009, seeking either: (1) an order that he be permitted to re-file federal claims against Defendants Childress, Garcia, Sena, Nacar, Van Atta and Smith in the present action; or (2) an order that the time for re-filing the federal claims against these defendants be tolled until after the rulings on the motions presently pending before the Court.

Upon review of Plaintiff's application, the Court finds that good cause does not exist to grant Plaintiff's request ex parte. The ex parte application is therefore DENIED.

IT IS SO ORDERED.

Dated: April 3, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE