

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JAMES E. SMITH,

Petitioner,

VS.

**THE UNITED STATES
GOVERNMENT,**

Respondent.

1:07-CV-1431-OWW WMW

ORDER DISREGARDING MOTION FOR SPECIAL MASTER

[Doc. 8]

Petitioner is a state prisoner proceeding pro se on a petition for relief. On December 12, 2007, this court entered an order dismissing the petition for relief without prejudice to Petitioner's right to file an appropriate civil action. The Clerk of the Court subsequently entered judgment for Respondent and closed this case.

On January 25, 2008, Petitioner filed a motion in this case. Petitioner is informed that

1 this case is closed and no further motions can be filed in it. If Petitioner wishes to pursue a
2 civil rights action, he must do so by filing a new, separate action pursuant to 42 U.S.C.
3 Section 1983. Accordingly, the court will DISREGARD the motion filed January 25, 2008.
4 Any further motions filed in this case will be similarly disregarded.

5 IT IS SO ORDERED.

6 **Dated: February 5, 2008**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE