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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN DEAN MATTOX,

CASE NO. 1:09-cv-00816-LJO-GSA PC

Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION, AND PROHIBITING
FURTHER FILINGS IN THIS ACTION,
WHICH WAS OPENED IN ERROR AND IS
DUPLICATIVE OF CASE NUMBER 1:08-cv-
01265-FRZ

v.

E. MARTINEZ, et al.,

Defendants.

(Doc. 13)

_____ /

This action, brought by John Dean Mattox pursuant to 42 U.S.C. § 1983, was opened in error on May 8, 2009, and dismissed on July 21, 2009, as duplicative of earlier-filed case number 1:08-cv-01265-FRZ. On August 24, 2009, Plaintiff filed a motion for reconsideration, and requested that he be allowed to proceed either in 1:08-cv-01265-FRZ or in this action.

As a pro se litigant, Plaintiff's confusion over the proceedings in his two cases is understandable. This action was opened in error when the Court received what was intended to be an amended complaint in 1:08-cv-01265-FRZ but which did not bear a case number. Subsequently, 1:08-cv-01265-FRZ was dismissed based on Plaintiff's apparent failure to file an amended complaint. The error was brought to light based on Plaintiff's communication filed July 15, 2009, and this case was closed.

In the order closing this case, Plaintiff was notified that he needed to await a ruling on his motion for reconsideration, which had been filed in 1:08-cv-01265-FRZ on July 15, 2009. At the

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1 time Plaintiff filed this motion for reconsideration on August 24, 2009, his motion in 1:08-cv-01265-
2 FRZ was still pending.

3 However, on October 26, 2009, the Honorable Frank R. Zapata granted Plaintiff's motion
4 for reconsideration in 1:08-cv-01265-FRZ, re-opened the case, and screened the amended complaint.
5 As a result of Judge Zapata's order, Plaintiff is once again proceeding with his earlier-filed case.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. Plaintiff's motion for reconsideration, filed August 24, 2009, is DENIED; and
- 8 2. There shall be no further filings in this action, which was opened in error and is
9 duplicative of case number 1:08-cv-01265-FRZ.

10
11 IT IS SO ORDERED.

12 **Dated: November 9, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE