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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

THEODORE BRITTON YATES,

Plaintiff,

v.

C. KING, et al.,

Defendants.

Case No. 1:10-CV-00530-SMS

ORDER DENYING MOTION  
TO AMEND COMPLAINT

(Doc. 88)

On May 27, 2011, the Court granted Defendants' motion to dismiss this case for Plaintiff's failure to exhaust his administrative remedies, and the Clerk entered judgment against Plaintiff. On June 15, 2011, Plaintiff filed an appeal in the U.S. Court of Appeals for the Ninth Circuit, which he voluntarily dismissed on July 14, 2011. On December 5, 2013, Plaintiff moved to refile his complaint, adding a new retaliation claim against former Defendant C. King.

The Federal Rules of Civil Procedure do not contemplate the re-opening of a closed case to add new claims against a former defendant. If Plaintiff wishes to file new claims against former Defendant King, the proper procedure is to initiate a new case by filing a new complaint against King that alleges the claim that has arisen since the prior matter was closed.

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Plaintiff's motion to refile Case No. 1:10-cv-530-SMS (PC) is hereby DENIED.

IT IS SO ORDERED.

Dated: December 11, 2013

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE