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

SAMUEL KENNETH PORTER,
Plaintiff,
vs.
CAPTAIN JENNINGS, et al.,
Defendants.

Case No. 1:10-cv-01210 JLT (PC)
ORDER DENYING MOTION FOR REPLY
AND RECONSIDERATION
(Doc. 15)

_____ /

On October 6, 2010, Plaintiff filed a motion for “reply and reconsideration” in which he requested permission to refile his claims. (Doc. 15 at 1-3.) Plaintiff is advised that United States Magistrate Judge Gary S. Austin dismissed this action without prejudice and closed this case on September 10, 2010, due to Plaintiff’s failure to pay the filing fee or to file an application to proceed *in forma pauperis*. (Docs. 10.) If Plaintiff wishes to refile his claims in a **new** case, he may do so. This case, however, is closed. Accordingly, any documents filed by Plaintiff in this case after September 10, 2010, will be disregarded. Plaintiff’s motion for “reply and reconsideration” is therefore **DENIED AS MOOT**. No further orders will be issued in this case.

IT IS SO ORDERED.

Dated: December 9, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE