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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BEARD,

Plaintiff,

v.

HARRINGTON,

Defendant.

CASE NO. 1:10-cv-01755-LJO-SKO PC

ORDER DENYING PLAINTIFF’S SECOND
MOTION FOR RECONSIDERATION WITH
PREJUDICE AND WARNING PLAINTIFF
THAT ANY FURTHER MOTIONS FOR
RECONSIDERATION WILL BE SUMMARILY
STRICKEN FROM THE RECORD

(Doc. 12)

Plaintiff Robert Beard, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 14, 2010. On September 29, 2010, the Court issued an order finding Plaintiff ineligible to proceed in forma pauperis and requiring him to pay the \$350.00 filing fee in full within thirty days. 28 U.S.C. § 1915(g). Plaintiff failed to comply with the order and on May 4, 2011, the Court dismissed the action, without prejudice. Plaintiff filed a motion for reconsideration on May 23, 2011, and the motion was denied with prejudice, on May 25, 2011. Plaintiff filed a second motion for reconsideration on June 24, 2011.

Plaintiff’s first motion for reconsideration was given careful consideration and Plaintiff’s arguments were addressed. The motion was denied, with prejudice. Plaintiff’s second motion, which raises a new argument, is similarly meritless. At issue was whether Plaintiff was entitled to proceed in forma pauperis in this action, and Plaintiff’s argument that the Court erred in not permitting him leave to file an amended complaint is untenable. 28 U.S.C. § 1915(g); Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007).

1 Plaintiff's second motion for reconsideration, filed June 24, 2011, is HEREBY DENIED,
2 with prejudice, and any further motions for reconsideration will be summarily stricken from the
3 record.

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6 IT IS SO ORDERED.

7 **Dated: June 29, 2011**

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

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