UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SUSAN MAE POLK, Case No.: 1:11-cv-00728-AWI-BAM PC ORDER RE: OBJECTIONS TO MAGISTRATE'S Plaintiff, 5-13-13 ORDER DENYING AS MOOT v. PLAINTIFF'S REQUEST TO FILE MOTION FOR RECONSIDERATION PITTMAN, et al., (ECF No. 76) Defendants.

Plaintiff Susan Mae Polk ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 6, 2011. On October 22, 2012, the Court issued an order dismissing certain claims and defendants and granting Plaintiff thirty days in which to either file an amended complaint or notify the Court that she was willing to proceed on the claims found to be cognizable in the second amended complaint. (ECF No. 47.)

On December 26, 2012, Plaintiff filed a request for leave to file a motion for reconsideration of the Court's October 22, 2012 order. (ECF No. 53.) On May 14, 2013, the Court denied the motion as moot because Plaintiff had submitted a third amended complaint. (ECF No. 72.)

Despite the Court's ruling, on May 23, 2013, Plaintiff filed a motion for reconsideration of the October 22, 2012 order. (ECF No. 75.) A few days later, on May 30, 2013, Plaintiff filed objections to the May 14, 2013 order denying her request to file a motion for reconsideration as moot. (ECF No. 76.)

Plaintiff's objections to the order denying her request to file a motion for reconsideration are moot. First, Plaintiff filed a motion for reconsideration despite the Court's express denial of her request. (ECF No. 75.) Second, and more importantly, the District Court considered and ruled on Plaintiff's motion for reconsideration of the October 22, 2012 order. (ECF No. 80.) Accordingly, Plaintiff's objections to the order denying her request for reconsideration as moot are DENIED with prejudice.

 $_{8}$ IT IS SO ORDERED.

Dated: December 19, 2013 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE