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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUBEN ALDANA,
Plaintiff,
v.
GOVERNOR JERRY BROWN, et al.,
Defendants.

Case No. 1:11-cv-01288-MJS (PC)
ORDER DENYING RELIEF FROM
JUDGMENT OF DISMISSAL
(ECF No. 17)
ORDER DIRECTING CLERK TO
PROVIDE PLAINTIFF WITH COPY OF
ECF NOS. 12, 13 and 16
CASE TO REMAIN CLOSED

Plaintiff Ruben Aldana, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff's Complaint on January 31, 2013, and directed Plaintiff to file an amended complaint or notify the Court, within thirty days, of his desire to proceed only on the one claim that the Court found to be cognizable. That order was returned by the United States Postal Service as undeliverable. On May 7, 2013, Plaintiff was ordered to show cause, by not later than May 22, 2013, why the case should not be dismissed for failure to prosecute. Plaintiff did not respond to the May 7th order. On June 3, 2013, the Court dismissed the

1 action, without prejudice, for failure to prosecute (ECF No. 12) and entered judgment
2 thereon (ECF No. 13).

3 Plaintiff filed a change of address and request for case status months later. The
4 Court responded on October 28, 2013 by order notifying him that the action had been
5 dismissed without prejudice, that the case had been closed, and that he could re-file his
6 claims in a new action if the applicable statutes of limitation remained unexpired. (ECF
7 No. 16.)

8
9 Before the Court is Plaintiff's August 13, 2014 motion to reopen the case and his
10 request for a copy of the order of dismissal.

11 Nothing in Plaintiff's instant motion demonstrates a basis for the Court to provide
12 relief from the June 3, 2013 judgment of dismissal. Plaintiff's expressed desire to
13 reopen the case is not alone a basis for doing so. Fed. R. Civ. P. 60.
14

15 Plaintiff's request for documents from the docket will be granted.

16 Accordingly, it is HEREBY ORDERED that:

- 17 1. Plaintiff is notified the action was dismissed, without prejudice, on June 3,
18 2013 for failure to prosecute,
- 19 2. Plaintiff's August 13, 2014 motion for relief from judgment of dismissal is
20 DENIED,
- 21 3. The Clerk of the Court is directed to provide Plaintiff with copies of the
22 following documents from the docket in this action: ECF Nos. 12, 13 and
23 16, and
- 24 4. Plaintiff shall be served with this Order both at his address of record and
25 the following address provided with his instant motion:
26

27 Ruben Aldana, # FA1089
28 California Institute for Men/D3/191L

P.O. Box 600
Chino, California 91708-0600.

IT IS SO ORDERED.

Dated: August 27, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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