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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

CALIFORNIA DEPT. OF
CORRECTIONS, et al.,

Defendants.

CASE NO. 1:12-cv-00906-LJO-SKO PC

ORDER GRANTING MOTION TO REOPEN
CASE

(Doc. 10)

_____/

Plaintiff John Fratus, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 4, 2012. This action was closed on September 11, 2012, pursuant to Plaintiff’s notice of voluntary dismissal. Fed. R. Civ. P. 41(a)(1)(A). On October 18, 2012, Plaintiff filed a motion to reopen the case. Fed. R. Civ. P. 60(b)(6).

In as much as Plaintiff filed his motion to reopen the case shortly after dismissing it and there is no prejudice to the defendants, Plaintiff’s motion to reopen the case is **HEREBY GRANTED** and the Clerk of the Court is **DIRECTED** to reopen this action.¹

IT IS SO ORDERED.

Dated: October 22, 2012

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

¹ Plaintiff is warned that he may only voluntarily dismiss an action without prejudice once; if he again files a notice of voluntarily dismissal in this action, the “notice of dismissal operates as an adjudication on the merits.” Fed. R. Civ. P. 41(a)(1)(B).