

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SIMON THORNTON.

Plaintiff.

v.

L. DILEO, et al.,

Defendants.

CASE NO. 1:14-cv-0920-LJO-MJS (PC)

**ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS**

(ECF No. 16)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On December 24, 2014, Plaintiff filed a motion for voluntary dismissal. (ECF No. 12.) The action was dismissed without prejudice on January 5, 2015. (ECF No. 13.) Also on January 5, 2015, Plaintiff lodged a proposed third amended complaint. (ECF No. 14.) His proposed third amended complaint was returned to him on the ground the case was closed.

Before the Court is Plaintiff's January 28, 2015 motion to proceed in forma pauperis. (ECF No. 16.) The Court has already granted Plaintiff leave to proceed in forma pauperis in this action. (ECF No. 4.) However , as noted, the action is closed. Accordingly the motion is moot.

Based on the foregoing, Plaintiff's motion to proceed in forma pauperis (ECF No. 16) is HERBEY DENIED.

IT IS SO ORDERED.

Dated: January 30, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE