

1 the second motion on October 17, 2017. (Doc. No. 30.) In the latter denial, the court explicitly
2 stated that “[f]urther motions for reconsideration on the dismissal and judgment against [p]laintiff
3 in this action will not be entertained and will be stricken upon filing.” (*Id.* at 4.) Nevertheless,
4 plaintiff filed a third motion for reconsideration on October 26, 2017. (Doc. No. 32.) The court
5 ordered the motion stricken from the record on October 30, 2017. (Doc. No. 33.) In its order, the
6 court noted that “[p]laintiff is not precluded from attempting to state cognizable claims in a new
7 action if he believes his civil rights are being violated beyond his pleadings in this action.” (*Id.* at
8 2.)

9 On March 25 and April 10, 2020, plaintiff filed his fourth and fifth motions for
10 reconsideration to reopen this closed case. (Doc. Nos. 3738.) Therein, plaintiff urges the court to
11 re-open this case on the ground that he can now point to “directly related facts/evidence of
12 conspiracy. Cruel and unusual punishment, physical provocation, and retaliation” in response to
13 his filing of this case. (Doc. No. 37.) In support of this request, plaintiff has filed an affidavit
14 indicating that correctional officers at California Correctional Institution and California State
15 Prison, Corcoran, have assaulted him, had him assaulted, or attempted to provoke him into
16 committing an assault. (Doc. No. 37 at 34; Doc. No. 38 at 12.)

17 As an initial matter, plaintiff’s motions for relief from the final judgment in this case are
18 untimely under Federal Rule of Civil Procedure 60(c)(1). Second, the court has explicitly ordered
19 that all further motions for reconsideration in this case will be stricken from the record, and that
20 “no further relief is available for [p]laintiff via this action.” (Doc. No. 33 at 2.) Third, even if the
21 court entertained plaintiff’s motions, they would be denied on the merits because the new
22 allegations in plaintiff’s motions are not directly related to the claims raised in his original
23 complaint filed back in 2015. (*See id.*)

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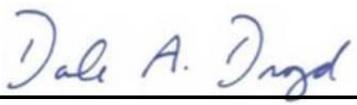
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1 Accordingly, plaintiff's motions for reconsideration to reopen this case (Doc. Nos. 3738)
2 are STRICKEN from the record. Plaintiff's motions for miscellaneous relief (Doc. Nos. 3940)
3 are DENIED as moot. The court again informs plaintiff that no further filings will be entertained
4 in this closed case. Of course, as the court has previously indicated, plaintiff is not precluded
5 from attempting to state cognizable claims in a *new action* if he believes his civil rights are being
6 violated.

7 IT IS SO ORDERED.

8 Dated: January 8, 2021



UNITED STATES DISTRICT JUDGE

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