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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA,

 Plaintiff,

 v.

AGUILARA, et al.,

 Defendants.

CASE No. 1:15-cv-01202-LJO-MJS (PC)

**ORDER GRANTING MOTION TO
REOPEN CASE**

(ECF No. 10)

CLERK TO REOPEN CASE

Plaintiff is a County inmate proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. On August 3, 2015, Plaintiff initiated the action by filing his complaint and a motion to proceed in forma pauperis by a prisoner. (ECF Nos. 1 and 2.) On September 21, 2015, the Court ordered Plaintiff to clarify his custodial status for the purposes of in forma pauperis status, given that Plaintiff's complaint listed a non-custodial address. (ECF No. 5.)

Plaintiff did not immediately respond to the order and, on October 23, 2015, the Magistrate Judge assigned to the case issued findings and recommendations to dismiss the action for failure to obey a court order and failure to prosecute. (ECF No. 6.) The undersigned adopted the findings and recommendations on November 10, 2015, noting

1 that Plaintiff filed no objections to the findings and recommendations. (ECF No. 7.) The
2 matter was closed.

3 On November 16, 2015, Plaintiff's objections were docketed. (ECF No. 9.) The
4 objections are dated October 27, 2015, and are stamped as having been received and
5 filed by the Court on October 30, 2015. Thus, it appears that Plaintiff timely objected to
6 the findings and recommendations but, for reasons unknown, his objections were not
7 docketed for more than two weeks. Moreover, the objections responded to the Court's
8 request for clarification by stating that Plaintiff had been released from the Lerdo Pre-
9 Trial facility to the Lerdo Max-Med Facility on September 18, 2015. Plaintiff affirmed that
10 he is incarcerated and submitted a renewed application to proceed in forma pauperis by
11 a prisoner.

12 In light of Plaintiff's timely response, as set forth above, it appears that this action
13 was erroneously closed for failure to obey a court order and failure to prosecute.
14 Accordingly, it is HEREBY ORDERED that:

- 15 1. Plaintiff's motion to reopen case (ECF No. 10) is GRANTED;
- 16 2. The Clerk is directed to reopen the action;
- 17 3. The matter is referred back to the Magistrate Judge for disposition of
18 Plaintiff's motion to proceed in forma pauperis and screening of Plaintiff's
19 complaint.

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21 IT IS SO ORDERED.

22 Dated: March 30, 2016

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

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