

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MAURICE HUNT,

Plaintiff,

1

ANDRE MATEVOUSIAN, et al.,

Defendants.

Case No. 1:16-cv-01560-LJO-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION
TO REOPEN CASE NO. 1:16-cv-01560-LJO-
BAM (PC)

(ECF No. 10)

ORDER VACATING VOLUNTARY
DISMISSAL AND DIRECTING CLERK OF
COURT TO REOPEN CASE NO. 1:16-cv-
01560-LJO-BAM (PC)

Plaintiff Maurice Hunt (“Plaintiff”) is a federal prisoner proceeding pro se in this civil action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999 (1971). Plaintiff initiated this action on October 17, 2016.

On October 31, 2016, Plaintiff filed a motion to voluntarily dismiss this action. (ECF No. 7.) On November 2, 2016, the Court ordered this case closed and noted it as voluntarily dismissed without prejudice under Federal Rule of Civil Procedure 41(a). (ECF No. 8.) On November 18, 2016, Plaintiff filed the instant motion to reopen this action, stating that he dismissed it by mistake. (ECF No. 10.) Plaintiff has multiple cases pending, and explains that some of his documents were filed with the Court under the wrong case number. *Id.* He also states that he received multiple court orders for different cases on the same day, all which happen to have Mr. Matevousian named as the defendant. *Id.* He further explains that, in an effort to avoid wasting

1 the Court's time, he accidentally moved to dismiss the wrong case. (ECF No. 10.)

2 In light of such facts, the Court finds Plaintiff's actions understandable, and finds no
3 evidence of bad faith, intent to mislead, or intent to cause undue delay. Additionally, given that
4 the complaint had yet to be screened, reopening the case does not raise the risk of prejudice or
5 harm that would exist had this case been at a much later stage of litigation when dismissed.

6 Accordingly, Plaintiff's motion to reopen this case shall be granted.

7 Based on the foregoing, the Court HEREBY ORDERS as follows:

8 1. Plaintiff's motion to reopen Case Number 1:16-cv-01560-LJO-BAM (PC) is

9 GRANTED; and

10 2. The Clerk of the Court shall:

11 a. VACATE Plaintiff's motion for voluntary dismissal (ECF No. 7);

12 b. VACATE the Court's order closing the case (ECF No. 8); and

13 c. REOPEN Case Number 1:16-cv-01560-LJO-BAM (PC).

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15 IT IS SO ORDERED.

16 Dated: November 28, 2016

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

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