

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY JANE BRYANT,  
  
                                Plaintiff,  
  
                        v.  
  
U.S. BANK NATIONAL ASSOCIATION  
et al.,  
  
                                Defendants.

No. 1:17-cv-01218-DAD-BAM

ORDER DIRECTING THE CLERK OF THE  
COURT TO FILE PLAINTIFF'S  
COMPLAINT IN THIS CASE AS A MOTION  
FOR RELIEF FROM JUDGMENT IN CASE  
NO. 1:16-cv-01688-AWI-SKO

ORDER ADMINISTRATIVELY CLOSING  
THIS CASE

On November 7, 2016, plaintiff Mary J. Bryant commenced a civil action, *Bryant v. U.S. Bank*, No. 1:16-cv-01688-AWI-SKO, in this district. After dismissing plaintiff's first amended complaint with leave to amend on June 13, 2017, *see id.*, ECF No. 5, and having received no amended complaint, the court issued an order requiring plaintiff to show cause why the action should not be dismissed due to her failure to file an amended complaint. *Id.*, ECF No. 6. Plaintiff never responded to the order to show cause, and on August 25, 2017, the court dismissed the action with prejudice for failure to comply with a court order and entered judgment against plaintiff. *See id.*, ECF Nos. 8–9.

////

1 On September 11, 2017, plaintiff Bryant commenced the instant action by filing a  
2 complaint and application to proceed *in forma pauperis*. (Doc. Nos. 1, 2.) In her complaint,  
3 plaintiff references her prior federal action against U.S. Bank, and specifically asks the court to  
4 either “reinstate” the prior case or open a new case. (See Doc. No. 1 at 17.) Plaintiff appears to  
5 name a substantially similar group of defendants as she did in the first action, and further alleges  
6 that she was forced into hiding between January 2017 and June 2017. (See *id.* at 1–2, 17.)  
7 Plaintiff’s statements suggest that she is attempting to explain her failure to respond to the court’s  
8 orders entered in her previously filed action.

9 Having reviewed plaintiff’s filings in this action and the proceedings in the prior action,  
10 the court will, in the interest of justice and to conserve judicial resources, construe plaintiff’s  
11 complaint as a motion for relief from judgment to be filed in her prior action.

12 Accordingly,

- 13 1. The Clerk of the Court is directed to file plaintiff’s complaint (Doc. No. 1) as a motion  
14 for relief from judgment in *Bryant v. U.S. Bank*, No. 1:16-cv-01688-AWI-SKO; and
- 15 2. The Clerk of the Court is further directed to administratively close this action.<sup>1</sup>

16 IT IS SO ORDERED.

17 Dated: October 5, 2017

18   
19 \_\_\_\_\_  
20 UNITED STATES DISTRICT JUDGE

21  
22  
23  
24  
25  
26  
27  
28 <sup>1</sup> All pending matters shall therefore be terminated.