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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **KASEY F. HOFFMAN,**

9 **Plaintiff**

10 **v.**

11 **L. PULIDO, et al.,**

12 **Defendants**  
13

**CASE NO. 1:18-CV-0209 AWI SKO**

**ORDER ON OBJECTIONS**

(Doc. Nos. 14, 15)

14 On March 15, 2018, the Court dismissed this matter pursuant to 28 U.S.C. § 1915(g)  
15 following an order to show cause. See Doc. No. 10. The Court noted *inter alia* that Plaintiff had  
16 not replied to the order to show cause. See id. The case was closed the same day. See Doc. No.  
17 11.

18 On March 20, 2018, Plaintiff filed a reply to the order to show cause. See Doc. No. 12.

19 On March 22, 2018, the Court addressed Plaintiff's reply. See Doc. No. 13. The Court  
20 reviewed Plaintiff's reply on the assumption that the reply was timely filed under the prison  
21 mailbox rule, but not actually received by the Court prior to dismissal. See id. The Court  
22 addressed the arguments of Plaintiff and found that they were without merit and did not warrant  
23 the vacation of the dismissal order or the reopening of the case. See id.

24 On March 26 and March 28, 2018, Plaintiff filed objections to the dismissal, specifically  
25 on the basis that he had filed/submitted a timely reply to the order to show cause. See Doc. Nos.  
26 14, 15. In both filings, Plaintiff included copies of his March 22 reply memorandum. See id.

27 On April 13, 2018, Plaintiff filed what was determined to be a notice of appeal, and the  
28 appeal was processed on April 17, 2018. See Doc. Nos. 16, 17.

1 On April 26, 2018, the Ninth Circuit noted the March 26 and March 28 objections and held  
2 this matter in abeyance, pending the Court's ruling on the objections. See Doc. No. 19.

3 As noted above, the March 26 and March 28 objections merely state that Plaintiff did file a  
4 timely reply and attached copies of Plaintiff's March 20 reply. Cf. Doc. Nos. 14, 15 with Doc.  
5 No. 12. For the reasons stated in the Court's March 22, 2018 Order, Plaintiff's objections are  
6 overruled. See Doc. No. 13. The substantive response to the order to show cause is without merit  
7 and does not warrant the vacation of the dismissal order or the reopening this case. See id.

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9 **ORDER**

10 Accordingly, IT IS HEREBY ORDERED that Plaintiff's objections (Doc. Nos. 14, 15) are  
11 OVERRULED.

12 IT IS SO ORDERED.

13 Dated: May 8, 2018

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16 SENIOR DISTRICT JUDGE