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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11  
12 EVERETT JOSEPH JEWETT,

13 Plaintiff,

14 vs.

15 PRISON HEALTH SERVICES, INC.

16 Defendant.  
17 \_\_\_\_\_

No. 2:06-CV-02857 ODW

**ORDER**

18 Plaintiff has recently filed two motions on a closed case. On July 6, 2011 he filed  
19 a motion to re-open this case [49] and on July 22 he filed a motion to re-file his complaint.  
20 [53] In the latter motion, he makes several requests for the appointment of counsel. On  
21 more than one occasion, the court has advised Plaintiff that there are no provisions in the  
22 law for the appointment of counsel to represent an indigent party pursuing a civil action.  
23 Once again, and hopefully for the final time, the request is DENIED.

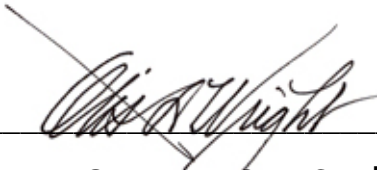
24 On March 29, 2011 the court ordered this matter dismissed due to plaintiff's failure  
25 to keep the court advised of his current residence. It is curious that plaintiff does not seek  
26 to justify his failure or refusal to obey the court's order regarding keeping the court advised  
27 of his current address. He merely seeks to nullify the order without offering an explanation  
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1 for his non-compliance in the first instance. A motion for reconsideration, if indeed that is  
2 how the court is to construe these recent filings, must demonstrate some reason why the  
3 court should reconsider its decision. *Medford Pacific v. Danmor Construction, Inc.*, 2  
4 F.Supp.2d 1322, 1323 (D.Or.1998). Plaintiff has offered no such rationale, therefore the  
5 request to "re-open the case" is denied.

6 As for plaintiff's request to "re-file" his complaint, he does not need the court's  
7 permission to file a pleading or initiate an action to redress grievances. If he wishes to file  
8 a complaint, then he may do so. However, a complaint is not "refiled." The original action,  
9 06-02857 ODW has been dismissed. It will not be re-opened nor will the dismissal be set  
10 aside. If plaintiff is desirous of initiating a new action then he is free to do so. The new  
11 complaint, however, must be a stand-alone pleading. It must not rely on or incorporate by  
12 reference any other pleading. It will have an entirely new case number, and of course, it  
13 must only allege claims that remain viable under the applicable statutes of limitation. The  
14 First Amended Prisoner Civil Rights Complaint [52] is not legally sufficient and has been  
15 filed in a closed case. It is of no legal consequence.

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17 Lastly, Plaintiff is cautioned that this file is CLOSED. No other documents are to be  
18 filed under this case number and this will be the court's last order issued in this case.

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21 DATED: July 25, 2011

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24 OTIS D. WRIGHT, II, DISTRICT JUDGE