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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. MITCHELL,  
Plaintiff,  
v.  
SNOWDEN et al.,  
Defendants.

No. 2:08-cv-1658 JAM DAD P

ORDER

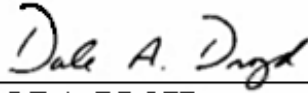
Plaintiff is a state prisoner proceeding pro se. On February 21, 2013, the undersigned issued findings and recommendations, recommending that this action be dismissed due to plaintiff's failure to prosecute and his failure to comply with court orders. On April 25, 2013, the assigned district judge adopted the findings and recommendations in full and dismissed this action without prejudice. The court entered judgment on the same day. Plaintiff appealed, and the Ninth Circuit Court of Appeals affirmed the judgment.

Plaintiff has now filed a motion to re-file this action. The court will deny plaintiff's motion as unnecessary. Plaintiff is advised that if he wishes bring a new cause of action based on his complaint in this action he does not need an order from this court granting him leave to do so. Plaintiff must file a new complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and he must either pay the required filing fee or file a new completed application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff should not list the

1 case number for this cause of action on his new complaint form or his new application to proceed  
2 in forma pauperis because this case is closed. This court will not issue any further orders in  
3 response to future filings in this action.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to re-file this action  
5 (Doc. No. 128) is denied as unnecessary.

6 Dated: October 8, 2015

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DALE A. DROZD  
9 UNITED STATES MAGISTRATE JUDGE

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11 mitc1658.new

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