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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD H. GREENE,

Plaintiff,

No. 2:09-cv-00793 JAM JFM

vs.

JAMES TILTON, et al.,

Defendants.

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 25, 2013, the court entered an order granting, in part, plaintiff’s motion to modify the January 14, 2013, scheduling order (ECF No. 70), and directing plaintiff to file a pretrial statement on or before April 15, 2013. ECF No. 74. On April 10, 2013, plaintiff filed a motion for reconsideration of the magistrate judge’s March 25, 2013, order. ECF No. 78. Applying the mailbox rule,¹ plaintiff timely filed his amended pretrial statement on April 15, 2013. ECF No. 80.

¹ See Houston v. Lack, 487 U.S. 266, 275-76 (1988) (pro se prisoner filing is dated from the date prisoner delivers it to prison authorities); Douglas v. Noelle, 567 F.3d 1103, 1109 (9th Cir. 2009) (holding that “the Houston mailbox rule applies to § 1983 complaints filed by pro se prisoners”).

1 In light of plaintiff's timely filing of his amended pretrial statement, IT IS
2 HEREBY ORDERED that, plaintiff's motion for reconsideration (ECF No. 78) is denied as
3 moot.

4 DATED: May 9, 2013.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE

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