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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON V. MOSLEY,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:16-cv-0420 MCE AC P

ORDER

Currently before the court is plaintiff’s second motion for leave to present a late claim. ECF No. 16. Plaintiff’s first motion for leave (ECF No. 4) was struck from the record because it appeared to have been filed in the wrong court (ECF No. 12). While plaintiff’s second request is properly captioned for this court, it will be denied because this court is not the proper forum for his request.

In the motion, plaintiff states that he is “appl[y]ing to the County of Sacrament[o] for leave to present a claim against the County of Sacramento, pursuant to section 911.4 of [the] California Government Code.” ECF No. 16 at 1. He further asks that his application be granted and that his claim be acted upon as required by Government Code Section 911.6.<sup>1</sup> Id. at 4.

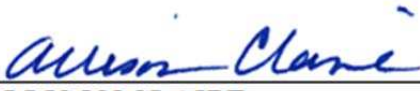
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<sup>1</sup> California Government Code section 911.6 sets forth the timeframe for granting or denying an application to submit a late claim and the circumstances under which such an application should be granted.

1 Plaintiff is asking this court to authorize him to present a late claim in order to comply  
2 with the California Tort Claims Act. Id. However, § 911.4 states that “[w]hen a claim that is  
3 required by Section 911.2 to be presented not later than six months after the accrual of the cause  
4 of action is not presented within that time, a written application may be made to the public entity  
5 for leave to present that claim.” Cal. Gov’t Code § 911.4(a). In other words, plaintiff needs to  
6 submit his request to file an untimely claim to the public entity to which he would have submitted  
7 a timely claim, not to this court.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for leave to present a late  
9 claim (ECF No. 16) is denied.

10 DATED: August 10, 2016

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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