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

PATRICK BLACKSHIRE,
Plaintiff,
v.
WACKENHUT 645 CORPORATION,
Defendant.

No. 2:16-cv-2539 KJM KJN PS

ORDER

On February 8, 2017, the court adopted the Magistrate Judge’s findings and recommendations to dismiss this case, with prejudice. ECF No. 5 (adopting ECF No. 3). On July 24, 2017, plaintiff, a prisoner proceeding pro se, moved to “reopen” the case and “have a hearing” because “this case has not been heard by a judge.” ECF No. 7. The court denies this request.

Because plaintiff had requested, in October 2016, to proceed *in forma pauperis*, the Magistrate Judge was required under 28 U.S.C. § 1915 to assess the viability of plaintiff’s claims. The Magistrate Judge examined court documents attached to the complaint, which showed years ago plaintiff unsuccessfully litigated an identical suit in state court. ECF No. 3 at 2 (citing documents incorporated into ECF No. 1). The Magistrate Judge determined, and this court agreed, that the claim preclusion doctrine conclusively barred this action. ECF No. 3 at 2; ECF No. 5 at 1. Plaintiff has cited no authority or rationale to now reopen the case and hold a hearing. Accordingly, the court DENIES plaintiff’s motion.

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IT IS SO ORDERED.

This order resolves ECF No. 7.

DATED: October 16, 2017.



UNITED STATES DISTRICT JUDGE