UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GUSTAVO PARTIDA,

Plaintiff,

v.

ALEXANDER LIU, et al.,

Defendants.

No. 2:16-cv-2630 AC P

ORDER

This civil rights action was closed on February 10, 2017, after plaintiff failed to respond to two orders directing him to either pay the filing fee or submit an application to proceed in forma pauperis. ECF Nos. 6, 7. Plaintiff has now filed a request to proceed in forma pauperis as well as a request for status and copies. ECF Nos. 9, 12. In his request for a status report, he states that he submitted the filing fee on August 17, 2017. ECF No. 12. However, this court's records and other documents submitted by plaintiff demonstrate that he paid the filing fee in Partida v. Liu (Partida II), 2:17-cv-0694 WBS KJN, not this case. ECF No. 8. It appears that approximately a month after the complaint in this case was dismissed without prejudice, plaintiff initiated Partida II in order to pursue the claims originally raised in this action. Partida II at ECF No. 1. Shortly before plaintiff paid the filing fee in Partida II, the case was dismissed because plaintiff failed to comply with court orders to pay the filing fee or submit an application to proceed in forma pauperis. Partida II at ECF Nos. 8, 11.

The instant case had been closed for nearly seven months before plaintiff made any attempt at communication with the court, and during that time he instead initiated a new lawsuit pursuing the same claims. Particularly given the existence of a more recently filed case in which plaintiff paid the filing fee (though belatedly so), the court finds no reason to re-open this case. This order shall not act as a bar to plaintiff seeking to re-open Partida II.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis (ECF No. 9) is denied as moot.

2. Plaintiff's request for status (ECF No. 12) is granted to the extent this order address the procedural posture of the case and is otherwise denied.

3. Plaintiff is advised that any further documents filed in this case will be disregarded and no orders will issue in response to future filings.

DATED: October 5, 2017

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE