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

DUANE REED MOORE, SR.,
Plaintiff,
v.
ROBERT W. FOX, et al.,
Defendants.

No. 2:16-CV-2641-MCE-DMC

ORDER

Plaintiff, a prisoner proceeding retained counsel, brought this civil rights action pursuant to 42 U.S.C. § 1983. Final judgment was entered on August 21, 2019. See ECF No. 15. Plaintiff appealed on February 12, 2020. See ECF No. 26. On March 23, 2020, the Ninth Circuit Court of Appeals issued an order granting plaintiff’s motion for voluntary dismissal of his appeal. See ECF No. 29. Pending before the Court in this closed docket are the following post-judgment motions filed by plaintiff pro se: (1) motion to remove counsel, see ECF No. 20; (2) motion to continue all proceedings, see ECF No. 21; and (3) motions for relief from judgment, see ECF Nos. 22 and 30.

Plaintiff’s motion to remove counsel, filed pro se filed over five months after entry of judgment, will be denied both as unnecessary because this case was closed prior to the motion being filed and as an improper pro se filing by a represented litigant. Termination of plaintiff’s counsel should have been accomplished while the case was pending by way of a notice of

1 substitution of attorneys substituting plaintiff pro se for terminated counsel.

2 Plaintiff's motion to continue all proceedings, also filed pro se, will be denied as both
3 unnecessary because there were no active proceedings to continue as of the date the motion was
4 filed and as an improperly pro filing by a represented litigant.

5 Finally, plaintiff seeks relief from the Court's final judgment entered on August 21, 2019.
6 The Court observes that the two currently pending motions for relief from judgment, see ECF
7 Nos. 22 and 30, are nearly identical to a prior pro se motion for relief from judgment filed by
8 plaintiff pro se on September 9, 2019, see ECF No. 16. The Court denied plaintiff's September 9,
9 2019, motion for failure to show any basis for reconsideration. See ECF No. 17. Plaintiff's
10 current nearly identical motions will be denied for the same reason.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion to remove counsel, ECF No. 20, is DENIED;
- 13 2. Plaintiff's motion to continue all proceedings, ECF No. 21, is DENIED;
- 14 3. Plaintiff's motions for relief from judgment, ECF Nos. 22 and 30, are DENIED;

15 and

- 16 4. Any further findings will be summarily stricken without further notice to the
17 parties.

18 IT IS SO ORDERED.

19 Dated: July 14, 2020

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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