UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCIO A. BARROGA,

Plaintiff,

v.

BOARD OF ADMINISTRATION CAL PUBLIC EMPLOYEES' RETIREMENT SYSTEM,

Defendant.

No. 2:22-mc-00301-DAD-AC (PS)

ORDER DENYING MOTION FOR RECONSIDERATION

(Doc. No. 5)

On October 31, 2022, the court reviewed plaintiff Lucio A. Barroga's lodged complaint because it is subject to the prefiling review order issued on September 9, 2019 in *Barroga v. Board of Administration, Cal. Public Employees' Retirement System*, ("CalPERS"), 2:19-cv-0921-MCE-KJN, Doc. No. 29 (Prefiling Order), which declared plaintiff a vexatious litigant. (Doc. No. 4.) In the court's October 31, 2022 order, the court determined that plaintiff's allegations in the lodged complaint are frivolous and directed the Clerk of the Court to not file plaintiff's lodged complaint and to close this miscellaneous case. (*Id.*)

On November 14, 2022, plaintiff filed a motion for reconsideration of the court's October 31, 2022 order. (Doc. No. 5.) Therein, plaintiff requests that the court file his lodged complaint in this action because, according to plaintiff, the Prefiling Order declaring him to be a vexatious litigant is clearly erroneous and should be reversed. (*Id.*) However, plaintiff's conclusory

assertions that the Prefiling Order was erroneous and that his lodged complaint is not frivolous are insufficient to warrant reconsideration of the court's October 31, 2022. Indeed, plaintiff's pending motion does not articulate any basis upon which the undersigned should reconsider the October 31, 2022 order.

Accordingly, plaintiff's motion for reconsideration (Doc. No. 5) is denied.

This case shall remain closed. No further filings will be entertained by the court in this closed case.

IT IS SO ORDERED.

Dated: **November 16, 2022**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE