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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 SECOND MOTION FOR RECONSIDERATION

(Doc. No. 7)

On November 17, 2022, the court issued an order denying plaintiff’s motion for reconsideration of the court’s October 31, 2022 order determining that plaintiff’s allegations in the lodged complaint are frivolous and closing this case. (Doc. No. 6.) Therein, the court advised that “[n]o further filings will be entertained by the court in this closed case.” (*Id.*) Nevertheless, on December 1, 2022, plaintiff filed a second motion for reconsideration. (Doc. No. 7.)

In the pending second motion for reconsideration, plaintiff argues that his lodged complaint in this action should not have been subject to prefiling review because the prefiling order cited by the undersigned was actually just a *recommendation* by a magistrate judge that the district court declare plaintiff to be a vexatious litigant. (*Id.* at 2.) According to plaintiff, “[t]he prefiling order, which declared plaintiff a vexatious litigant does not exist.” (*Id.*) Plaintiff is mistaken. While the undersigned cited to the underlying findings and recommendations that

1 recommended plaintiff be declared a vexatious litigant (Doc. No. 4), the docket in that case
2 reflects that those findings and recommendations were adopted in full by the district judge on
3 September 30, 2019. *See Barroga v. Board of Administration, Cal. Public Employees’*
4 *Retirement System*, (“CalPERS”), 2:19-cv-0921-MCE-KJN, Doc. No. 32 (Prefiling Order). In
5 other words, plaintiff was in fact declared a vexatious litigant. Thus, plaintiff’s second motion for
6 reconsideration does not provide any basis upon which the undersigned should reconsider the
7 October 31, 2022 order.

8 Accordingly, plaintiff’s motion for reconsideration (Doc. No. 7) is denied.

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

11 IT IS SO ORDERED.

12 Dated: December 5, 2022

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15 UNITED STATES DISTRICT JUDGE
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