

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN S. FUSON,

No. 01-3310 MMC

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR RECONSIDERATION**

v.

JO ANNE B. BARNHART,

Defendant

On August 30, 2001, plaintiff instituted the instant action by filing a complaint seeking judicial review of a July 16, 2001 decision of the Appeals Council of the Social Security Administration.<sup>1</sup> By order filed April 22, 2003, the Court vacated in part the July 16, 2001 decision, and remanded the matter to the Social Security Administration for further proceedings. Thereafter, the instant case was closed for the reason the Court's April 22, 2003 order resolved all issues presented by plaintiff's complaint.

Now before the Court is plaintiff's Request for Reconsideration, filed April 16, 2008. In his Request, plaintiff states that further proceedings were conducted in July 2004, that an administrative law judge issued a "Unfavorable Decision" on November 5, 2004, and that plaintiff later sent an "appeal" to defendant by certified mail. According to plaintiff, defendant has not sent plaintiff any response to the appeal. As relief, plaintiff requests that

---

<sup>1</sup>In its decision filed July 16, 2001, the Appeals Council had denied plaintiff's request for review of a May 26, 2000 decision rendered by an administrative law judge.

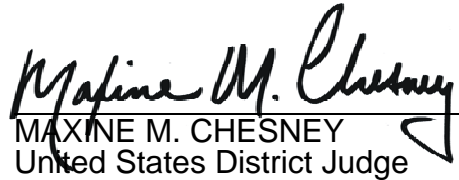
1 the Court “review [plaintiff’s] case original files,” and also award plaintiff “relief in the sum of  
2 25 Million Dollars, for discrimination” or “the amount avialible [sic] under law, for there [sic]  
3 disruption of, & continued interferace [sic] in [plaintiff’s] P.A.S.S. Plan.”

4 Plaintiff fails to identify any cognizable basis to reconsider this Court’s order of April  
5 22, 2003. Indeed, the conduct plaintiff now seeks to challenge allegedly occurred after the  
6 instant case was closed. In any event, plaintiff’s request for relief, whether of a monetary  
7 nature or otherwise, based on his assertion that defendant has not provided him a  
8 response to his administrative appeal is not properly made in the instant closed action;  
9 rather, plaintiff must file a new action and seek a remedy therein. The instant action, Civil  
10 Case No. 01-3310, is, and will remain, closed.

11 Accordingly, plaintiff’s request for reconsideration is hereby DENIED.

12 **IT IS SO ORDERED.**

13  
14 Dated: September 19, 2008

  
MAXINE M. CHESNEY  
United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28