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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 JOSEPH JOHNSON, JR.,

No. C 08-5425 SI (pr)

9 Plaintiff,

ORDER

10 v.

11 EDWARD C. FLORES; et al.,

12 Defendants.
13 _____/

14 This pro se civil action was dismissed on April 13, 2009, due to plaintiff's failure to pay
15 the filing fee. He has now filed a motion for the "court to reconsider and reopen the case in
16 order for plaintiff to pay the filing fee." Plaintiff was notified more than four months before the
17 dismissal that he had to pay the fee or file a pauper application and did not do either. The court's
18 dismissal was not in error. The motion for reconsideration and to reopen is DENIED. (Docket
19 # 5.) The court notes that there is an obvious alternative for plaintiff: this action was dismissed
20 without prejudice, and plaintiff was clearly informed in the order of dismissal that he could file
21 a new action for which he pays the filing fee or files an in forma pauperis application with a new
22 complaint to commence that new action.

23 IT IS SO ORDERED.

24 Dated: May 7, 2009

25 _____
26 *Susan Illston*
27 SUSAN ILLSTON
28 United States District Judge