

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 CALIFORNIAALFRED T. THOMAS,  
Plaintiff,

No. C 09-02764 WHA

v.

AIDA CORREA,  
Defendant.**ORDER DENYING  
RECONSIDERATION AND  
ORDERING PLAINTIFF TO  
STOP FILING USING THIS  
CASE NUMBER**

Plaintiff Randy L. Thomas, acting *pro se*, filed two documents in this district on behalf of himself and his minor son, Alfred T. Thomas, including a “petition & motion of respondent No. 2 for removal to U.S. District Court” and a “Petition for Writ of Habeas Corpus.” The documents challenged an order issued by Moore County Superior Court in North Carolina in a dispute between plaintiff and defendant Aida Correa regarding the custody of Alfred Thomas. The Clerk inadvertently docketed both filings under the above-captioned case number instead of in an already-existing case in this district regarding the same dispute that was assigned to Magistrate Judge Chen. *See* C. 09-1487(EMC). On July 7, 2009, an order interpreted plaintiff’s filings in the above-captioned case number as attempts at amendment in the action before Magistrate Judge Chen. The Clerk was ordered to close the above-captioned case number and refile plaintiff’s submissions in Case No. 09-1487(EMC). Magistrate Judge Chen considered the merits of plaintiff’s submissions and dismissed them with prejudice on July 10, 2009.

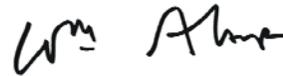
Plaintiff subsequently filed a “motion for leave for ECF” and a “motion for emergency relief — temporary custody” using the above-captioned case number, notwithstanding the fact that it was closed. These appeared to be attempts to relitigate the same issues that had already

1 been dismissed with prejudice by Judge Chen. Because the above-captioned case number was  
2 closed and had only been opened in the first place due to error, an October 25 order directed the  
3 Clerk to refile these new documents in the matter before Magistrate Judge Chen.

4 Now plaintiff has filed yet another submission using the above-captioned case number  
5 entitled "Notice of Appeal." It appears to be a request directed to the undersigned for  
6 reconsideration of the orders to close this matter and refile plaintiff's four earlier submissions in  
7 the matter before Magistrate Judge Chen. Reconsideration is **DENIED**. Plaintiff's motions have  
8 already been dismissed on the merits with prejudice by Magistrate Judge Chen. Plaintiff cannot  
9 relitigate them now merely because initially they were inadvertently docketed in the above-  
10 captioned case number. The above-captioned case number is closed and plaintiff is **ORDERED**  
11 to stop filing submissions using it.

12  
13 **IT IS SO ORDERED.**

14  
15 Dated: December 29, 2009.



16 WILLIAM ALSUP  
17 UNITED STATES DISTRICT JUDGE