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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MALINKA TACUMA WADE MOYE,

No. C-09-3901 JCS

Plaintiff,

v.

**ORDER DENYING MOTION TO REOPEN
CASE [Docket Nos. 9, 10, 12]**

FIDELITY NATIONAL TITLE CO.,

Defendant.

_____/

Plaintiff Malinka Tacuma Wade Moye filed an application to proceed *in forma pauperis* after having consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). On August 28, 2009, the Court granted the application to proceed *in forma pauperis* and dismissed the complaint with leave to amend. The Court ordered Plaintiff to file an amended complaint within thirty days. Plaintiff did not file an amended complaint and on October 14, 2009, the case was closed. Thereafter, Plaintiff filed what the court construes as a motion to reopen the case. *See* Docket Nos. 9, 10, 12 (Plaintiff’s ex parte declaration for motion for reconsideration, motion to alter judgment and motion for pretrial conference). Liberally construed, Plaintiff has provided facts that would justify the failure to file a timely amended complaint; however, the Court finds nothing in the materials filed by Plaintiff that warrant reopening this case. Plaintiff again fails to state a legally cognizable claim. The motion to reopen the case is therefore DENIED.

IT IS SO ORDERED.

DATED: December 22, 2009



JOSEPH C. SPERO
United States Magistrate Judge

United States District Court
For the Northern District of California