

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MINOR N.S., MOTHER C.C., et al.,

No. 12-1989

Plaintiffs,

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

v.

SAFEWAY, INC. RETAIL STORES,  
et al.,

Defendants.

On April 20, 2012, plaintiffs “Minor N.S.” and “Mother C.C” filed this putative class action related to defendant Safeway, Inc.’s actions towards plaintiffs after plaintiffs were caught stealing food and drink from a Safeway grocery store. Along with their complaint, plaintiffs filed an application to proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 1915(e)(2), a court may deny IFP status if it appears from the face of the proposed complaint that the action is frivolous or without merit. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). On May 17, 2012, Judge Seeborg, who was originally assigned to this case, denied plaintiffs’ IFP application for failure to assert a claim for relief. *See* May 17, 2012 Order, dkt. 9. Judge Seeborg stated that “if plaintiffs do not pay the filing fee by June 16, 2012, the Court may dismiss the action without prejudice.” Plaintiffs thereafter moved for reconsideration of that order, and moved for a preliminary injunction. *See* dkt. 11 and 12. On June 5, 2012, Judge Seeborg issued another order denying both motions, and reminding plaintiffs that they must pay the filing fee to proceed with this action. *See* June 5, 2012 Order, dkt. 13. On June 7, 2012, this Court related the case to two cases currently before the undersigned judge, *Robin Hood v. U.S. Government, et al.*, Case Nos. 12-1542 and 12-1788.


1           Because plaintiff failed to pay the filing fee by June 16, 2012 as required by the May 17, 2012  
2 Order, the Court dismissed plaintiffs' complaint and closed this case on June 18, 2012. *See* dkt. 17.  
3 Plaintiff thereafter filed a document entitled "Motion to Reconsider and Authenticate Documents."  
4 However, as the case was dismissed due to plaintiff's failure to pay the filing fee, the motion is  
5 DENIED.

6           Plaintiff has filed two other documents in this closed case. The first is entitled, "Declaration of  
7 (1443 Defendant)/Plaintiff Motion to Vacate State Court Rulings and Transfer Case to Related Case."  
8 Insofar as it is a motion, it is DENIED. The second is another application to proceed *in forma pauperis*.  
9 Plaintiffs' IFP status in this case has already been denied; this subsequent application is also DENIED.

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11 Docket Nos. 16, 20, 24.

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14           **IT IS SO ORDERED.**

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16 Dated: August 13, 2012

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19 SUSAN ILLSTON  
20 United States District Judge  
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