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## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

GARRED F. NORMAN,

Plaintiff,

No. C 22-07648 WHA

v.

FEDERAL BUREAU OF  
INVESTIGATION, et al.,

Defendants.

**ORDER DISMISSING CASE AND  
DENYING MOTIONS FOR  
RECONSIDERATION**

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In its previous order, the Court reiterated that plaintiff's failure to pay the \$400.00 filing fee by January 18, 2023, would result in dismissal of the above-captioned action without prejudice (*see* Dkt. No. 12; *see also* Dkt. No. 5). It is now January 19, 2023, and plaintiff has still not paid. Accordingly, this action is **DISMISSED** without prejudice.

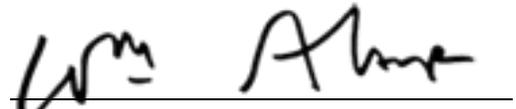
Plaintiff's motions for reconsideration of the orders denying him leave to proceed in forma pauperis and denying his motion to appoint counsel are **DENIED**. Our court of appeals has held that "[m]otions for reconsideration may properly be denied where the motion fails to state new law or facts." *In re Agric. Rsch. & Tech. Grp., Inc.*, 916 F.2d 528, 542 (9th Cir. 1990). It has also held that leave to proceed in forma pauperis may be denied at the outset if it appears on the face of the complaint that the action is frivolous, and that appointment of counsel for indigent civil litigants is limited to exceptional circumstances. *Tripati v. First Nat. Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987); *Aldabe v. Aldabe*, 616 F.2d 1089, 1093 (9th

1 Cir. 1980). Plaintiff offers no new law or facts to justify reconsideration. Moreover, the Court  
2 remains convinced that this action is frivolous and that there are no exceptional circumstances  
3 here. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

4 For the foregoing reasons, this action is **DISMISSED** without prejudice. Plaintiff is  
5 advised that he may appeal this matter to the Court of Appeals for the Ninth Circuit within  
6 sixty days of the entry of judgment. Fed. R. App. P. 4(a)(1)(B).

7 **IT IS SO ORDERED.**

8 Dated: January 19, 2023.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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United States District Court  
Northern District of California