

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
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUNG HA,
Plaintiff,
v.

No. C 11-80020 MISC PJH
No. C 11-80021 MISC PJH

NEW YORK CITY HOUSING AUTHORITY,
et al.,
Defendants.

**ORDER DENYING SECOND MOTION
FOR RECONSIDERATION**

JAMES HA,
Plaintiff,
v.
JUSTINE TSENG, et al.,
Defendants.

On February 18, 2011, the court issued an order in the above-referenced cases, denying plaintiff’s in forma pauperis application and dismissing plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2). Though plaintiff – who had been adjudicated a vexatious litigant in this district – pressed substantively different legal theories in both actions, the court found plaintiff’s differing claims in both cases to be either time-barred, or not cognizable as proper causes of action. On March 16, 2011, after plaintiff had filed motions for reconsideration of both February orders, the court denied the reconsideration request, for failure to make an adequate showing that reconsideration was warranted. Now, plaintiff has filed two new motions in each case, entitled “Applications in Routine Matters” and “Motion for Setting Aside or Reconsidering Second Order.” These filings,

United States District Court
For the Northern District of California

1 which are essentially identical to each other, once again request that the court reconsider
2 both its February and March 2011 orders.

3 Having reviewed plaintiff's filings in both cases, the court finds that plaintiff has failed
4 to present any additional grounds sufficient to meet the standards for reconsideration
5 identified by the court in its March 16 order. Indeed, much of the substance of plaintiff's
6 filings continues, as before, to be largely incomprehensible. Moreover, to the extent
7 plaintiff is really seeking reconsideration of the order declaring plaintiff a vexatious litigant
8 subject to pre-filing review in this district, that order was issued in a separate proceeding by
9 a different judge than the undersigned. The undersigned is not in the position to reconsider
10 an order issued by a different judge entirely, and the court furthermore notes that its prior
11 February and March orders in the present actions mentioned – but did not rely – upon the
12 unrelated order requiring pre-filing review of plaintiff's complaints.

13 In sum, and for the foregoing reasons, plaintiff's Application in Routine Matters and
14 corresponding Motion for Setting Aside or Reconsidering Second Order is DENIED.
15 Plaintiff is furthermore instructed to cease and desist the filing of repeated motions for
16 reconsideration, as plaintiff has failed to present any meritorious grounds that would
17 warrant such reconsideration.

18 Plaintiff may, of course, avail himself of any appeal to which the law entitles him in
19 the Ninth Circuit Court of Appeals.

20

21 **IT IS SO ORDERED.**

22 Dated: April 5, 2011

23



PHYLLIS J. HAMILTON
United States District Judge

24

25

26

27

28