

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A.B.,
Plaintiff,
v.
CITY OF ALBANY, et al.,
Defendants.

Case No. 17-cv-03272-KAW

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 12

On June 2, 2017, Plaintiff A.B. filed the instant complaint against Defendants, as well as an application for leave to proceed in forma pauperis ("IFP"). (Dkt. Nos. 1, 2.) Plaintiff also brought a motion to file his complaint and IFP application under seal, which was denied on June 7, 2017. (Dkt. Nos. 3-5.) On June 14, 2017, the Court denied Plaintiff's IFP application as incomplete, based on Plaintiff's failure to include his full name in the IFP application. (Dkt. No. 9 at 1.) The Court gave Plaintiff until June 23, 2017 to file an IFP application using his full name, and warned that failure to do so could result in his case being dismissed for failure to prosecute. (Id. at 1-2.) On June 23, 2017, Plaintiff requested that the Court extend the deadline to file an IFP application, which the Court granted. (Dkt. Nos. 10, 11.)

On July 19, 2017, Plaintiff filed a motion to reconsider the order denying his IFP application. (Dkt. No. 12.) Plaintiff states that he is currently without legal counsel, but was stalked and harassed while seeking such support. (Id. ¶ 2.) Plaintiff further states that he is of the understanding that reconsideration of the Court's order is possible, and that a motion for reconsideration would not prejudice either party. (Id. ¶¶ 3, 4.)

The Court DENIES Plaintiff's motion for reconsideration. As an initial matter, Civil Local Rule 7-9 requires that a party seek leave to file a motion for reconsideration. In that request for

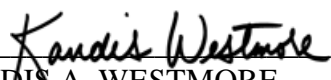
1 leave, the moving party must show one of the following: (1) that there is a material difference in
2 fact or law from that which was presented to the Court before entry of the order for which
3 reconsideration is sought; (2) the emergence of new material facts or a change of law occurring
4 after the time of such order; or (3) a manifest failure by the Court to consider material facts or
5 dispositive legal arguments which were presented to the Court prior to the order. Even construing
6 Plaintiff's motion as a motion for leave, Plaintiff fails to satisfy any of these requirements.

7 Moreover, Plaintiff fails to identify any error in the Court's order denying his IFP
8 application. Instead, Plaintiff appears to ask that the Court reconsider its order on the basis that
9 reconsideration is possible, rather than identifying a legal or factual reason for why the Court
10 should reconsider its order. Plaintiff does not, for example, contend that he is entitled to not use
11 his full name in the IFP application by showing "special circumstances [in which] the party's need
12 for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the
13 party's identity." Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1068 (9th Cir.
14 2000). Plaintiff's general allegations that he has been harassed and stalked by unspecified persons
15 since filing this case is insufficient to show special circumstances. It appears that the alleged
16 actions against him were perpetrated by persons who already know his identity. The Court
17 therefore denies Plaintiff's motion for reconsideration. Plaintiff must file an amended IFP
18 application that includes his full name by **August 4, 2017** or the case may be dismissed for failure
19 to prosecute.

20 Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk—a free service for
21 pro se litigants—by calling (415) 782-8982. The Court has also adopted a manual for use by pro
22 se litigants, which may be helpful to Plaintiff. This manual, and other free information is available
23 online at: <http://cand.uscourts.gov/pro-se>.

24 IT IS SO ORDERED.

25 Dated: July 19, 2017

26 
27 KANDIS A. WESTMORE
28 United States Magistrate Judge