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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAMIDELE HAMBOLU, et al.,
Plaintiffs,
v.
WASSERMAN-STERN ATTORNEYS, et
al.,
Defendants.

Case No. 17-mc-80018-PJH

**ORDER DENYING MOTION TO
RECONSIDER DETERMINATION TO
DECLINE TO ACCEPT FILING OF THE
COMPLAINT**

Re: Dkt. No. 15

United States District Court
Northern District of California

Before the court is pro se plaintiffs Bamidele Hambolu and Lynn Gavin’s “Notice of Motion and Motion to Appeal Acceptance of Complaint.” Dkt.15. On February 16, 2017, the court declined to accept plaintiffs’ complaint for filing because it asserted claims relating to plaintiff Lynn Gavin’s allegedly wrongful eviction from her Parkmerced apartment in 2012. Dkt. 13. As a result, the complaint fell within the scope of Judge Chen’s January 12, 2016 pre-filing order in a prior action by plaintiff Gavin. See Gavin v. City and Cnty. of San Francisco, No. 15-cv-05202-EMC Dkt. 9 at 7.

On February 27, 2017, plaintiffs filed the instant motion to appeal the determination not to accept the complaint for filing. Gavin asserts that she “was not notified of any decision for a pre-filing requirement.” Dkt. 15. Had she been made aware of the pre-filing order, she would have “filed an appeal in a timely manner.” Id.

It is not clear whether plaintiffs’ motion intends to ask this court to reconsider its determination not to accept the complaint for filing, or seeks to pursue an appeal to the Court of Appeals for the Ninth Circuit. To the extent that plaintiffs seek reconsideration of this court’s order, the motion is DENIED. Judge Chen’s pre-filing order was duly served by mail on plaintiff’s address of record. See 3:15-cv-05202-EMC Dkt. 9-1. Although the

1 docket indicates that plaintiff may not have received Judge Chen's order (it was returned
2 as undeliverable), this was the result of plaintiff's failure to maintain an updated mailing
3 address as required by the Local Rules. See Civ. L.R. 3-11. Nonetheless, the court will
4 attach a copy of Judge Chen's ruling so that plaintiff is aware of the limitations of the pre-
5 filing order.

6 If plaintiff wishes instead to pursue an appeal to the Ninth Circuit, she will need to
7 pay the docketing fee (or seek leave to appeal in forma pauperis), as she has already
8 been informed by the Clerk. See Dkt. 16.

9 **IT IS SO ORDERED.**

10 Dated: March 2, 2016



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13 PHYLLIS J. HAMILTON
United States District Judge

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15 attachment: Gavin v. City and Cnty. of San Francisco, No. 15-cv-05202-EMC Dkt. 9
16 (N.D. Cal. Jan. 12, 2016)

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