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E-FILED - 11/10/09

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

TYRONE YOUNGS,)	No. C 04-3352 RMW (PR)
)	
Plaintiff,)	ORDER DENYING MOTION
)	FOR JUSTICE AND
v.)	REQUEST FOR HEARING
)	
OFFICER SPEAKER,)	
)	
Defendant.)	
_____)	

Plaintiff, proceeding pro se, filed the instant civil rights complaint pursuant to 42 U.S.C. § 1983 based upon a May 2, 2004 incident at Pelican Bay State Prison. Thereafter, plaintiff filed a first and second amended complaint. On February 12, 2008, the court ordered plaintiff to notify the court whether he wished to proceed with his first or second amended complaint. On February 20, 2008, the court received its previous order as undeliverable to plaintiff because plaintiff was paroled. On April 28, 2008, the court dismissed this action without prejudice pursuant to the Northern District Local Rule 3-11, and closed the file.

On August 26, 2009, plaintiff filed a Motion for Justice and request for a hearing, requesting this court to “look into an illegal court case” regarding an alleged violation of a negotiated plea bargain. It appears that the motion concerns matters not involving this closed case. Should plaintiff wish to file a civil rights complaint or petition for habeas corpus relief, he

1 may file a new and separate action.

2 Accordingly, plaintiff's motion and request for hearing is DENIED.

3 This order terminates docket no. 48.

4 IT IS SO ORDERED.

5 DATED: 11/6/09


RONALD M. WHYTE
United States District Judge

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