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

MICHAEL L. WATTS,	)	No. C 12-3194 LHK (PR)
	)	
Plaintiff,	)	ORDER DENYING MOTION
	)	FOR RECONSIDERATION
v.	)	
	)	
USPO DOUGLAS HEUERMANN, et al.,	)	
	)	
Defendants.	)	
_____	)	

On June 20, 2012, Plaintiff, proceeding *pro se*, filed a complaint, pursuant to 42 U.S.C. § 1983, and 5 U.S.C. § 552a. The same day, the Clerk notified Plaintiff that he had not paid the filing fee, nor had he filed an application to proceed in forma pauperis (“IFP”). Along with the deficiency notice, Plaintiff was provided with an IFP application and instructions for completing it. Plaintiff was further cautioned that his failure to file a completed IFP application, or pay the filing fee within thirty days would result in the dismissal of this action. Having received no filing fee or completed IFP application, on July 31, 2012, the Court dismissed this action without prejudice.

On September 5, 2012, Plaintiff filed a motion for reconsideration. In his motion, he requested the Court re-open his case. Plaintiff alleged that he sent two payments of \$175.00 prior to the deadline date. (Mot., Exs. A, C.) On October 17, 2012, the Court informed Plaintiff that because neither check had indicated the purpose for which they were submitted, both checks were credited as restitution payments to Plaintiff’s previous criminal case, No. 04-20178 RMW. (Dkt. No. 15 at 2.) The Court attached its policy for requesting a refund, if Plaintiff wished to

1 have his monies refunded. (*Id.*) On November 2, 2012, Plaintiff requested a refund of his  
2 money, or in the alternative, for the Court to re-open the instant case and apply the monies to the  
3 underlying action.

4 On February 27, 2012, the Clerk's Office mailed Plaintiff's refund of \$350.00. Plaintiff's  
5 November 2, 2012 request for a refund is GRANTED. Plaintiff's motion for reconsideration of  
6 the dismissal is DENIED. The Clerk shall terminate all pending motions. No further filings will  
7 be accepted in this closed matter.

8 IT IS SO ORDERED.

9 DATED: 3/1/13

  
LUCY H. KOH  
United States District Judge

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