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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH ALLAN COOPER,
Plaintiff,
v.
KATHLEEN ALLISON, et al.
Defendants.

Case No. 20-06430 BLF (PR)

**ORDER DENYING MOTION
FOR RECONSIDERATION**

(Docket No. 11)

The Court dismissed the instant civil rights action without prejudice for Plaintiff's failure to pay the filing fee on December 8, 2020, and judgment was entered the same day. Dkt. Nos. 9, 10. Plaintiff filed a motion for reconsideration on December 31, 2020, describing difficulties with filing. There appears to be some confusion with what was filed in this action. The instant action was opened based on a letter from Plaintiff dated August 17, 2020, in which he alleged "emergency conditions" at San Quentin State prison. Dkt. No. 1. Plaintiff was directed to file a proper complaint using the court's form as well as an In Forma Pauperis ("IFP") application. Dkt. Nos. 2, 3. On October 2, 2020, Plaintiff filed a complaint, Dkt. No. 5, but no IFP application. Accordingly, the matter was properly dismissed for failure to pay the filing fee.

Even if the Court were to reopen the matter and allow Plaintiff more time to file an IFP motion, it would be futile. The complaint filed in this matter is identical to the one

1 filed to open an earlier action under Case No. 20-04658 BLF, which is open and pending.
2 Compare Dkt. No. 5 with Case No. 20-04658 BLF, Dkt. No. 1. This means the instant
3 action would be subject to dismissal as duplicative. Accordingly, Plaintiff's motion for
4 reconsideration is DENIED. Plaintiff's claim shall proceed under Case No. 20-04658
5 BLF. No further filings shall be accepted in the instant action.

6 This order terminates Docket No. 11.

7 **IT IS SO ORDERED.**

8 Dated: January 6, 2021


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

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Order Denying Recon.
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