

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

**OPINION, MEMORANDUM AND ORDER**

Before the Court is plaintiff's post-dismissal motion for extension of time "under special rule 340." The motion will be denied as moot.

Plaintiff filed a document titled “Petition for Writ of Mandamus” on September 8, 2017, in this Court. The Court reviewed the document and construed it as a civil rights complaint against Alan Earls. On September 14, 2017, the Court ordered plaintiff to file an amended complaint on a court-provided form, as well as file a motion to proceed in forma pauperis and file an accompanying prison account statement or pay the full filing fee of \$400.

On September 14, 2017, plaintiff wrote to the Court and asked to voluntarily dismiss this action, stating that he had mistakenly sent the “Petition for Writ of Mandamus” to the Federal Court. Plaintiff stated that he had not yet exhausted his claims in state court and wished to do so. Therefore, the Court granted plaintiff’s request for voluntary dismissal on October 17, 2017, and this action was closed at that time.

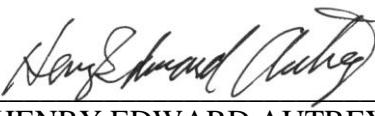
Unexpectedly, plaintiff filed the instant “motion for extension of time under special rule 340.” It appears that plaintiff is once again confused as to whether he is filing in state or Federal Court.

As plaintiff has voluntarily dismissed the present action in order to pursue his remedies in state court, the present case is closed. Thus, his motion for extension of time will be denied as moot. Plaintiff should not file any additional motions in this closed case.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for extension of time [Doc. # 6] is **DENIED AS MOOT.**

Dated this 24th day of October, 2017



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE