

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GREGORY BANKS,  
Plaintiff,  
vs.  
NAPHCARE, et al.,  
Defendants.

Case No. 2:13-cv-00324-RCJ-PAL

**ORDER**

Before the court are plaintiff's motions to reconsider (#6, #9). Because this action is on appeal, this court lacks authority to grant the motion, but it may:

(1) defer considering the motion;

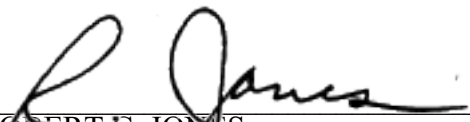
(2) deny the motion; or

(3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.

Fed. R. Civ. P. 62.1(a). The court dismissed the action for non-payment of the initial partial filing fee, but the court's records show that plaintiff has paid the filing fee. Under the circumstances, reinstatement of the action would be warranted.

IT IS THEREFORE ORDERED that the court would grant the motions for reconsideration (#6, #9) if the court of appeals remands for that purpose.

Dated: This 15<sup>th</sup> day of October, 2013.

  
ROBERT C. JONES  
Chief United States District Judge