

restoration to dismissable status. And Mr. Kaplan's motion to reopen the case does not include a filing fee or a new application to proceed *in forma pauperis* which, at this late date, would be required.

The proper procedure is to require that Mr. Kaplan file a new civil action. *See Great Am. Ins. Co. of N.Y. v. Day*, No. 12-2295, 2013 WL 254563, at *1 (D. Md. Jan. 22, 2013) (denying plaintiff's motion to reopen and requiring that a new action be filed where plaintiff previously filed a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (citing *Adams v. Lever Bros. Co.*, 874 F.2d 393, 395 (7th Cir. 1989)). Mr. Kaplan voluntarily dismissed this case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). That dismissal was without prejudice to reassertion of the claims, but they must be reasserted on a proper procedural basis.

Even now, Mr. Kaplan has not taken the basic step of proffering a filing fee or submitting an updated application to proceed *in forma pauperis*. The allegations he now wishes to pursue appear to be distinct from those asserted in the old complaint.

If Mr. Kaplan wishes to proceed, he must (a) initiate a new civil action; (b) file and serve a new complaint containing the allegations he wishes to pursue; and (c) include either the required filing fee or a properly supported application to proceed *in forma pauperis*. The motion to reopen is denied. An appropriate order accompanies this opinion.

Dated: January 20, 2015



KEVIN MCNULTY
United States District Judge