

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRUNO RAPHOZ,

Plaintiff,

v.

No. 1:21-cv-00553-WJ-JFR

FORREST FENN,
SHILOH OLD,
JONATHAN STUEF, and
DAN BARBARISI,

Defendants.

MEMORANDUM OPINION AND ORDER DENYING MOTION TO REOPEN

THIS MATTER comes before the Court on *pro se* Plaintiff's Motion to Reopen Case, Doc. 12, filed July 28, 2021.

United States Magistrate Judge John F. Robbenhaar notified Plaintiff that his Complaint should be dismissed for failure to state a claim upon which relief can be granted. *See* Order, Doc. 6, filed June 22, 2021. Judge Robbenhaar ordered Plaintiff to file an amended complaint and pay the filing fee. Judge Robbenhaar also notified Plaintiff that failure to timely file an amended complaint or timely pay the filing fee may result in dismissal of this case.

The Court dismissed this case without prejudice on July 16, 2021, because Plaintiff did not file an amended complaint in response to Judge Robbenhaar's Order¹ or pay the filing fee by the July 13, deadline.

¹ Plaintiff filed his original Complaint on June 16, 2021. On June 16, 2021, before Judge Robbenhaar ordered Plaintiff to file an amended complaint, Plaintiff mailed a slightly amended complaint to the Clerk which was docketed on June 28, 2021, as an Amended Complaint, *see* Doc. 8. The Amended Complaint fails to state a claim. Plaintiff has not filed an amended complaint in response to Judge Robbenhaar's Order.

Plaintiff now asks the Court to reopen this case stating he missed the deadline for paying the filing fee because his "PACER account was not implemented yet" and he "got confused in the process." Plaintiff paid the filing fee on July 20, 2021.

The Court denies Plaintiff's Motion to reopen this case because Plaintiff has not filed an amended complaint in response to Judge Robbenhaar's Order, which was also a basis for dismissing this case.

IT IS ORDERED that Plaintiff's Motion to Reopen Case, Doc. 12, filed July 28, 2021, is **DENIED**.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE