

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RYAN SAUSEDA,

Plaintiff,

v.

J.E. THOMAS, et al.,

Defendants.

BROWN, Judge.

Civil No. 09-158-BR

ORDER

Plaintiff, a former inmate at FCI Sheridan, brings this civil rights action *pro se*. Currently before the Court is Plaintiff's Motion to Re-open Case (#12). For the reasons that follow, the Court GRANTS Plaintiff's Motion.

Plaintiff file this action on February 6, 2009. On February 23, 2009, this Court granted Plaintiff's application to proceed *in forma pauperis* and issued an Order directing the Clerk of the Court to issue process and the U.S. Marshal to serve the Summonses and Complaint on Defendants. On April 8, 2009, Returns of Service were filed as to both Defendants indicating service had been completed.

Plaintiff took no further action and, on June 24, 2010, this Court issued an Order requiring Plaintiff to show cause why this action should not be dismissed, without prejudice, for want of prosecution. On July 8, 2010, Plaintiff's copy of the Order was returned to the Court with the indication that Plaintiff was no longer at that address. On August 5, 2010, this Court issued an Order and Judgment dismissing this action, without prejudice, for want of prosecution.

On January 5, 2011, Plaintiff filed a Motion to Reopen Case and Notice of Change of Address. In it, Plaintiff stated he had no idea why the Court's June 24, 2010, Order was returned as undeliverable, as Plaintiff remained incarcerated at FCI Sheridan. Plaintiff now moves to re-open this action.

CONCLUSION

The Court GRANTS Plaintiff's request, sets aside the Order and Judgment of Dismissal, and DIRECTS the Clerk of the Court to re-open this matter. The Clerk of the Court is further DIRECTED to send a copy of this Order to the United States Attorney for the District of Oregon.

IT IS SO ORDERED.

DATED this 11th day of January, 2011.

/s/ Anna J. Brown
ANNA J. BROWN
United States District Judge