

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. 12-2178

MALLEUS DEI,

Plaintiff,

v.

UNITED STATES GOVERNMENT,

Defendants.

**ORDER DENYING MOTION FOR
RECONSIDERATION**

On May 1, 2012, plaintiff “Malleus Dei” filed a complaint related to alleged “war crimes” committed by defendant United States Government. Along with his complaint, plaintiff filed an application to proceed *in forma pauperis* (“IFP”). Pursuant to 28 U.S.C. § 1915(e)(2), a court may deny IFP status if it appears from the face of the proposed complaint that the action is frivolous or without merit. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). On May 21, 2012, Judge White, who was then assigned to this case, denied plaintiff’s IFP application and dismissed plaintiff’s complaint for failure to state a claim for relief. *See* May 21, 2012 Order, dkt. 7, at 2. Judge White allowed plaintiff to file an amended complaint by June 15, 2012, but warned that “failure to file a cognizable legal claim by this date shall result in dismissal of this action with prejudice.” *Id.* On June 7, 2012, this Court related the case to two cases currently before the undersigned judge, *Robin Hood v. U.S. Government, et al.*, Case Nos. 12-1542 and 12-1788.

Plaintiff did not file an amended complaint. The only filing plaintiff made in this case was also filed in the related cases, and is entitled “Declaration of (1443 Defendant)/Plaintiff to Incorporate and Separate actions as to hold All Intellectual Property rights too such actions.” *See* dkt. 11, filed June 13, 2012. On June 18, 2012, the Court issued an order finding that this filing did not cure the defects of plaintiff’s original complaint in this case. The Court therefore dismissed plaintiff’s complaint.

On June 16, 2012, plaintiff filed a document entitled “Motion to Authenticate Documents as the Court Might Want to Reconsider.” Dkt. 31. Civil Local Rule 7-9 allows a party to seek reconsideration where it can show

(1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or

(2) The emergence of new material facts or a change of law occurring after the time of such order; or

(3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.


Civ. L. R. 7-9. Plaintiff’s motion makes no such showing. He argues that “plaintiff has a right to bring to light such an argument in which to try to define loyalty to such liberties, as the defendants are being accused of war crimes and are now being accused of a ‘cover-up’ as to this document states, by such rubber stamp action . . .” Dkt. 31 at 1. He nowhere addresses his failure to file an amended complaint, or demonstrates the emergence of new material facts. The motion does not make a showing warranting reconsideration of the dismissal order. Civ. L. R. 7-9. The motion is therefore DENIED.

Plaintiff has also filed another application to proceed *in forma pauperis* in this closed case. It is unclear why plaintiff filed this application after the complaint was dismissed and the case was closed. As the case is already closed, the application is DENIED.

Docket Nos. 16 and 20.

IT IS SO ORDERED.

Dated: August 13, 2012


SUSAN ILLSTON
United States District Judge