

Exhibit of
Evidence
20-17079-B

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 24 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALFRED E. CARAFFA,

Plaintiff - Appellant,

v.

CALIFORNIA HOUSING
SECURITIES, INC., Health Services;
et al.,

Defendants - Appellees.

No. 20-17079

D.C. No. 2:20-cv-00256-MTL-ESW
U.S. District Court for Arizona,
Phoenix

ORDER

A review of the docket demonstrates that appellant has failed to pay the docketing/filing fees in this case.

Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to prosecute.

This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.

Appendix "A"

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Debra Rhodes
Deputy Clerk
Ninth Circuit Rule 27-7

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Alfred E Caraffa,

10 Plaintiff,

11 v.

12 CHS, et al.,

13 Defendants.
14

NO. CV-20-00256-PHX-MTL (ESW)

JUDGMENT IN A CIVIL CASE

15 **Decision by Court.** This action came for consideration before the Court. The
16 issues have been considered and a decision has been rendered.

17 IT IS ORDERED AND ADJUDGED that pursuant to the Court's order filed
18 February 10, 2020, Plaintiff to take nothing, and the complaint and action are dismissed
19 with prejudice for failure to state a claim. This dismissal may count as a "strike" under
20 28 U.S.C. § 1915(g).

21 Debra D. Lucas
22 Acting District Court Executive/Clerk of Court

23 April 13, 2020

24 By s/ E. Aragon
25 Deputy Clerk
26
27
28

MDR

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Alfred E. Caraffa,

Plaintiff,

v.

CHS, et al.,

Defendants.

No. CV 20-00256-PHX-MTL (ESW)

ORDER

On February 3, 2020, Plaintiff Alfred E. Caraffa, who is confined in a Maricopa County Jail, filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed In Forma Pauperis. In a February 10, 2020 Order, the Court granted the Application to Proceed, dismissed the Complaint because Plaintiff had failed to state a claim, and gave Plaintiff thirty days to file an amended complaint that cured the deficiencies identified in the Order. The Court warned Plaintiff that the Clerk of Court would enter a Judgment of dismissal with prejudice if Plaintiff failed to timely file an amended complaint. Because Plaintiff did not timely file an amended complaint, the Clerk of Court entered Judgment on April 13, 2020.

On September 18, 2020, Plaintiff filed a First Amended Complaint and attached to it a Motion to Re-Open Civil Action Under New Evidence (Doc. 9 at 21-25). Nothing in Plaintiff's Motion justifies reopening this action five months after it was closed. Thus, the Court, in its discretion, will deny Plaintiff's Motion to Re-Open.

....

1 **IT IS ORDERED:**

2 (1) Plaintiff's Motion to Re-Open Civil Action Under New Evidence (Doc. 9
3 at 21-25) is **denied**. This action must remain **closed**.

4 (2) The docket shall reflect that the Court, pursuant to 28 U.S.C. § 1915(a)(3)
5 and Federal Rules of Appellate Procedure 24(a)(3)(A), has considered whether an appeal
6 of this decision would be taken in good faith and certifies that an appeal would not be taken
7 in good faith for the reasons stated in the Order and because there is no arguable factual or
8 legal basis for an appeal.

9 Dated this 24th day of September, 2020.

10
11 

12 Michael T. Liburdi
13 Michael T. Liburdi
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**Additional material
from this filing is
available in the
Clerk's Office.**