

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

JANICE PARK,

Plaintiff - Appellant,

vs.

SEAN PARNELL, Members of the Electoral
College; et al.,

Defendants - Appellees.

No. 17-35061

Case No. 3:16-cv-00281-TMB

ORDER DENYING MOTION FOR RECONSIDERATION

On January 27, 2017, this Court ordered appellant Janice Park to complete the Ninth Circuit's Form 4 IFP Affidavit by February 6, 2017, if she wished to be considered for IFP status for her appeal of the Court's dismissal of her claims.¹ Ms. Park did not respond to the Court's order and on February 14, 2017, this Court issued an order revoking Park's in forma pauperis status for her appeal to the Ninth Circuit in No. 17-35061.² On February 24, 2017, Ms. Park filed a motion for reconsideration with a motion asking the Court to accept the late filing of her Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis.³ "Motions for clarification, reconsideration or modification of an order deciding a motion are disfavored by the Court and are rarely granted."⁴ For the Court to have a basis to grant Ms. Park's motion for reconsideration, the Court must have a basis to accept the late filing of her affidavit.

¹ See Dkt. 25.

² See Dkt. 26.

³ See Dkt. 28.

⁴ Circuit Advisory Comm. Note to 9th Cir. R. 27-1.

Ms. Park was specifically ordered to file her affidavit no later than February 6, 2017: “Pursuant to the Ninth Circuit’s instructions to this Court, It is HEREBY ORDERED that Park shall supplement her in forma pauperis application by filing the Ninth Circuit’s Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis available at <http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Form4-IFP-Affidavit.pdf>, by February 6, 2017.”⁵ The Court is not persuaded by Ms. Park’s assertion that she “misunderstood the court’s order to submit a new request for in forma pauperis status by February 6, 2017.”⁶ And, her assertion that she “misunderstood the need to complete a new form F4-IFP[,]”⁷ when Ms. Park had never previously filed a form F4-IFP, strikes the Court as disingenuous.⁸ Regardless, the Court does not find good cause for Ms. Park to have missed the filing deadline, and reminds Ms. Park of Ninth Circuit Rule 42-1:

When an appellant fails to file a timely record, pay the docket fee, file a timely brief, or otherwise comply with rules requiring processing the appeal for hearing, an order may be entered by the clerk dismissing the appeal. In all instances of failure to prosecute an appeal to hearing as required, the Court may take such other action as it deems appropriate, including imposition of disciplinary and monetary sanctions on those responsible for prosecution of the appeal.

⁵ Dkt. 25 at 1.

⁶ Dkt. 29 at 1.

⁷ Dkt. 28 at 1.

⁸ See Dkt. 3 (wherein Ms. Park had only filed a form AO 240).

THEREFORE, IT IS ORDERED:

1. Janice Park's motion for reconsideration and motion to accept late filing at Docket 28 are DENIED.
2. The Court's order, at Docket 26, revoking Janice Park's in forma pauperis status for her appeal to the Ninth Circuit in No. 17-35061 remains in effect.
3. This does not affect the briefing schedule previously established by the United States Court of Appeals for the Ninth Circuit.
4. The Clerk of Court is directed to notify the Ninth Circuit Court of Appeals and the parties in this case of this decision immediately.

DATED at Anchorage, Alaska, this 24 day of March, 2017.

/s/ Timothy M. Burgess
TIMOTHY M. BURGESS
UNITED STATES DISTRICT JUDGE