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4 **IN THE UNITED STATES DISTRICT COURT FOR THE**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **HERMAN D. SHEAD**

CASE NO. 1:09-cv-00006-AWI-SKO

8 Plaintiff,

**ORDER ON PLAINTIFF’S MOTION
FOR RECONSIDERATION, ORDER
FOR SERVICE BY MAIL ON PRO SE
PLAINTIFF**

9 v.

10 **C/O VANG et al.,**

11 Defendant.
12 _____/

(Doc. No. 107)

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15 On May 8, 2015, Herman D. Shead (“Plaintiff”) filed a Rule 60(b) motion alleging that
16 his counsel (“Counsel”) both abandoned him and misled him to believe that Plaintiff was still
17 being represented. See Court’s Docket Doc. No. 105. Plaintiff asserted entitlement to relief
18 under 60(b)(1) and 60(b)(6) in his motion. Id. at 3.

19 On June 30, 2015, this Court issued an order denying Plaintiff’s claim for relief under
20 Rule 60(b)(1), and ordered additional briefing for his Rule 60(b)(6) claim. See Doc. 106.

21 On July 16, 2015, the Court received a second Motion for Reconsideration from Plaintiff
22 that failed to respond to the Court’s Order for Additional Briefing. See Doc. 107.

23 Upon review, Plaintiff did not receive the Order for Additional Briefing because it was
24 only served upon Counsel. Plaintiff therefore lacked notice of the Court’s order. Accordingly,
25 the Court will order that its previous Order for Additional briefing and the instant order shall be
26 served on Plaintiff in his current address at San Quentin State Prison by mail.

27 Further, the Court will deny Plaintiff’s second Motion for Reconsideration because it is
28 duplicative of his first motion. Cf. Doc. 107 with Doc. 105. Plaintiff’s latest Motion for

1 Reconsideration alleges that Counsel’s practice recently dissolved, and that its clients were “left
2 to fend for themselves” without notification. See Doc. 107 p. 1. However, the Court will
3 consider this information when resolving Plaintiff’s original Motion for Reconsideration. The
4 Court emphasizes that its denial of the latest motion (Doc. 107) will not impact resolution of the
5 original Motion for Reconsideration (Doc. 105).

6 **ORDER**

7 Accordingly, it is HEREBY ORDERED that:

- 8 (1) Plaintiff’s Motion for Reconsideration (Doc. 107) is DENIED as duplicative of his
9 original motion (Doc. 105);
10 (2) the Court’s Order on Plaintiff’s Rule 60(b) Motion (Doc. 106) shall be served on
11 Plaintiff by mail at his current address at San Quentin State Prison;
12 (3) this order shall be served on Plaintiff by mail at his current address at San Quentin
13 State Prison;
14 (4) Plaintiff Shall respond to the Court’s Order on Plaintiff’s Rule 60(b) Motion (Doc.
15 106) by August 13, 2015; and
16 (5) failure by Plaintiff to timely respond to that order will result in the denial of
17 Plaintiff’s Rule 60(b)(6) motion without further notice.

18 IT IS SO ORDERED.

19 Dated: July 20, 2015

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22 SENIOR DISTRICT JUDGE
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