

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN DARNELL BRYANT) Case No.: 1:11-cv-00446-LJO-BAM PC
Plaintiff,)
v.) ORDER DENYING PLAINTIFF'S MOTION FOR
P. GALLAGHER, et al.,) RECONSIDERATION BY THE DISTRICT
Defendants.) COURT OF MAGISTRATE JUDGE'S RULING AS
) MOOT
) (ECF No. 163)
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Plaintiff Kevin Darnell Bryant (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s first amended complaint, filed on July 5, 2011, against Defendant Romero for deliberate indifference to serious medical needs in violation of the Eighth Amendment; and against Defendants Gallagher and Romero for conspiracy, retaliation in violation of the Eighth Amendment and failure to protect in violation of the Eighth Amendment.

On October 9, 2014, Plaintiff filed a motion for reconsideration of the Magistrate Judge's order issued on September 25, 2014, which denied Plaintiff's motion to compel the production of medical records subpoenaed from Mercy Hospital as moot and denied Plaintiff's motion for the issuance of contempt charges against Mercy Hospital. Plaintiff argues that that Magistrate Judge's decision was clearly erroneous because he did not receive the "original color photos or real photo exact duplicates of the photos of [his] injured leg taken by Mercy Hospital staff" as part of the medical records

1 received from Mercy Hospital. Plaintiff reportedly only received five black and white photocopies.
2 (ECF No. 163, p. 1.)

3 The crux of Plaintiff's motion is that the Magistrate Judge erred because Plaintiff did not
4 receive five color photos from Mercy Hospital. (ECF No. 163, p. 5.) However, according to the
5 record in this action, defense counsel served Plaintiff with color copies of the five photographs
6 contained in his Mercy Hospital medical records via first class mail on October 14, 2014. (ECF Nos.
7 164, 164-1.) As Plaintiff has been sent the requested color photos, his motion for reconsideration is no
8 longer necessary and is HEREBY DENIED as moot.

9 IT IS SO ORDERED.

10 Dated: November 10, 2014

11 /s/ Lawrence J. O'Neill
12 UNITED STATES DISTRICT JUDGE

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