

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RUBEN VALDEZ,

No. 2:12-cv-1352-CMK-P

Plaintiff,

vs.

ORDER

MATTHEW CATE, et al.,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for reconsideration (Doc. 90). Prior to the filing of plaintiff’s motion, he filed an appeal with the Ninth Circuit Court of Appeals. That appeal was recently granted; the Ninth Circuit vacated the decision of this court¹ and remanded for further proceedings. As such, plaintiff’s motion for reconsideration is moot, and will be denied as such.

In addition, the mandate has now issued. Accordingly, the Clerk of the Court will directed to reopen this case and randomly assign a District Judge.

¹ The appeal was granted pursuant to Williams v. King, 875 F.3d 500 (9th Cir. 2017) because not all parties had filed consent to proceed before the magistrate judge.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Plaintiff's request for reconsideration (Doc. 90) is denied as moot; and
2. The Clerk of the Court is directed to reopen this case, randomly assign a District Judge, and update the docket to reflect the new case number.

DATED: March 27, 2018



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE