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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW DENNIS,  
Plaintiff,  
v.  
SCOTT KERNAN, et al.,  
Defendants.

No. 2:16-cv-0542 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed a motion requesting that his opposition to defendants’ motion for summary judgment be considered as a motion for summary judgment. ECF No. 188. This request is construed as a motion for reconsideration of the March 8, 2022 order deeming plaintiff’s cross-motion for summary judgment as an opposition.

Local Rule 230(j) requires that a motion for reconsideration state “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion; and . . . why the facts or circumstances were not shown at the time of the prior motion.” L.R. 230(j)(3)-(4). Plaintiff’s motion for reconsideration does not present any new or different facts or circumstances and will therefore be denied. The cross-motion for summary judgment will continue to be construed as an opposition to defendants’ motion for summary judgment for the reasons set forth in the March 8, 2022 order.

1 With respect to the other issues raised in the motion, plaintiff is advised that the court is  
2 aware of his response to defendants undisputed statement of facts and it will be considered when  
3 addressing the motion for summary judgment. Plaintiff's request that the court return his motion  
4 for reconsideration will be denied. Though the court is sympathetic to plaintiff's difficulties in  
5 obtaining copies, plaintiff has been advised and has acknowledged being advised that further  
6 requests to return documents would not be granted. If plaintiff would like copies from the court,  
7 any such requests must be accompanied by the required copy fees.<sup>1</sup> Finally, to the extent plaintiff  
8 alleges further violations of his constitutional rights, if he wishes to pursue those claims, he must  
9 do so by initiating a separate complaint.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion for reconsideration (ECF No. 188) is DENIED.
- 12 2. Plaintiff's request for his motion to be returned (ECF No. 188) is DENIED.

13 DATED: March 25, 2022

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15 ALLISON CLAIRE  
16 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>1</sup> The Clerk's Office provides copies of documents at \$0.50 per page.