

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALVARO C. RODRIGUEZ,
Plaintiff,
v.
COUNTY OF ALAMEDA, et al.,
Defendants

No. C-04-5196 MMC

**ORDER RE: PLAINTIFF’S NOTICE;
DENYING RECONSIDERATION OF
ORDER DISMISSING ACTION**

By order February 23, 2005, the Court dismissed the above-titled action, without prejudice to plaintiff’s refiling his claims in a new complaint, in the event plaintiff’s 1993 conviction was overturned or otherwise invalidated. That same date, the Clerk of the Court entered judgment on the Court’s order of dismissal.

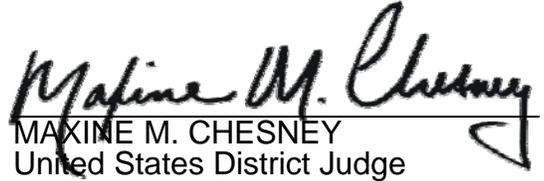
The Court is in receipt of a document titled “Notice To The Court,” filed March 27, 2012 by plaintiff. In light of plaintiff’s having subtitled said filing “Judgment or Order Void on Its Face,” and having cited therein Rule 60(b)(4) of the Federal Rules of Civil Procedure, the Court construes the filing to be a motion for reconsideration of the Court’s February 23, 2005 order and the judgment entered thereon.

So construed, the motion is hereby DENIED, as plaintiff has failed to show any cognizable basis for reconsideration. Indeed, as plaintiff’s exhibits demonstrate, plaintiff attempted to set aside his 1993 conviction in 2005, but was unsuccessful. (See Pl.’s

1 Notice Ex. L.) Moreover, a district court lacks jurisdiction to review the propriety of the
2 state court's decision denying plaintiff relief from the 1993 conviction. See Henrichs v.
3 Valley View Dev., 474 F.3d 609, 613 (9th Cir. 2007) (holding district courts "lack jurisdiction
4 to exercise appellate review over final state court judgments").

5 **IT IS SO ORDERED.**

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7 Dated: March 29, 2012

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MAXINE M. CHESNEY
United States District Judge