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

GILBERTO JUAREZ,  
Plaintiff,

No. C 11-4631 WHA (PR)

**ORDER DENYING MOTION FOR RECONSIDERATION**

v.

PRISONS; 25 OFFICERS OF THE COURT;

(Docket No. 12)

Defendants.

Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under 42 U.S.C. 1983 seeking to have his conviction vacated. The case was dismissed without prejudice to filing a petition for a writ of habeas corpus under 28 U.S.C. 2254. Plaintiff has filed a notice of appeal, attached to which is a motion for rehearing. The motion reiterates claims that his constitutional rights were violated in the course of his criminal prosecution. Such claims are properly brought in habeas, not in a civil rights complaint under 42 U.S.C. 1983. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011). Consequently, the motion for rehearing is Denied.

**IT IS SO ORDERED.**

Dated: November 12, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California