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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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8 RUSSELL DWAYNE RODGERS,
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No. C 13-2116 MEJ (pr)

10 Plaintiff,

**ORDER DENYING MOTION FOR
RECONSIDERATION**

11 v.

Doc. No. 14

12 GREG MUNKS, San Mateo County Sheriff,
13 et al.,

14 Defendants.
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16 Plaintiff Russell Dwayne Rodgers filed a pro se civil rights action under 42 U.S.C.
17 § 1983 complaining of conditions at the San Mateo County jail, where he is incarcerated. On
18 June 7, 2012, the Court dismissed the complaint with leave to amend. Doc. no. 8. On June
19 18, 2013, Plaintiff filed an amended complaint. Doc. no. 10. On June 28, 2013, the Court
20 issued an Order of Partial Service, finding that Plaintiff's due process claim was not
21 cognizable and that his Eighth Amendment claim for the denial of hygiene supplies was
22 cognizable. The Court ordered service of the Eighth Amendment claim on Defendants
23 Sheriff Munks, Lt. Kankel, Lt. Copeland and Sgt. Justice. Doc. no. 13.

24 On July 1, 2013, Plaintiff filed a motion for reconsideration, in which he seeks
25 reconsideration of both his claims, the due process claim and the Eighth Amendment claim
26 based on denial of hygiene supplies. Doc. no. 14. Plaintiff signed this motion on June 27,
27 2013 and the postmark on the envelop is dated June 28, 2013. Therefore, Plaintiff mailed
28 this motion before he received the Court's Order of Partial Service, which was filed on June
28, the same day Plaintiff mailed his motion for reconsideration.

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Because Plaintiff filed his motion for reconsideration before he had the benefit of reading the Court's Order of Partial Service, the motion is denied as moot.

IT IS SO ORDERED.

DATED: July 17, 2013



Maria-Elena James
United States Magistrate Judge