

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 JOSEPH NICHOLS,

5
6 Plaintiff,

7 v.

8
9 ELOY MEDINA, et al.,

10
11 Defendants.

Case No. [13-cv-05773-JD](#)

**ORDER GRANTING MOTION FOR
RECONSIDERATION AND
REOPENING CASE**

Re: Dkt. No. 33

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13 Plaintiff is a state prisoner proceeding pro se. His action was dismissed without prejudice
14 on June 25, 2014, and plaintiff was informed that the case would be reopened when he filed an
15 amended complaint. An amended complaint has been received by the Court and plaintiff has filed
16 a motion to vacate that the Court construes as a motion for reconsideration to reopen the case. The
17 case will be reopened and the Court will review the amended complaint in due course.

18 **CONCLUSION**

- 19 1. The motion for reconsideration (Docket No. 33) is **GRANTED**.
20 2. Plaintiff's request to disqualify the undersigned is denied as meritless.
21 3. The Order closing the case without prejudice (Docket No. 28) is **VACATED** and
22 this case is **REOPENED**.

23 **IT IS SO ORDERED.**

24 Dated: September 3, 2014

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28 JAMES DONATO
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH NICHOLS,
Plaintiff,
v.
ELOY MEDINA, et al.,
Defendants.

Case No. [13-cv-05773-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joseph Nichols ID: H-87217
Calif. State Prison--L.A. County
P.O. Box 8457
Lancaster, CA 93539-8457

Dated: 9/4/2014

Richard W. Wieking
Clerk, United States District Court

By: *Lisa R. Clark*
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO