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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAPHAEL GEORGE RAYFORD,
Plaintiff,
v.
R. MOJICA, et al.,
Defendants.

Case No. [14-cv-02421-VC](#)

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Re: Dkt. No. 10

On July 3, 2014, the Court dismissed this action as duplicative of a previous case Plaintiff Raphael George Rayford had filed, *Rayford v. Medina, et al.*, case number 14-1318 VC (PR). *See* Doc. no. 8. Judgment also was entered on July 3, 2014. *See* Doc. no. 9. On July 11, 2014, Rayford filed this motion for reconsideration in which he argues that his claims in this case are based on different events than the claims in his previous case. Rayford argues that this case is not based upon the alleged July 2013 pepper spray incident upon which the previous case was based, but upon the fact that he was prevented from appealing the guilty findings of two allegedly false rules violations reports that were based upon the alleged pepper spray incident.

Rayford's motion for reconsideration is denied. The claims he seeks to bring in this lawsuit are intertwined in his previous lawsuit, which also complains of the fairness of the disciplinary process that stemmed from the incident. However, Rayford's allegation that he was unable to file grievances related to the alleged pepper-spray incident may be relevant to the motion for summary judgment based on failure to exhaust that was filed in case number 14-1318 VC (PR) (Doc. no. 13). If this is so and Rayford has not already addressed this information in his opposition, he may move to file a supplemental opposition to the summary judgment motion.

1 **CONCLUSION**

2 For the foregoing reasons, the Court orders as follows:

- 3 1. Rayford's motion for reconsideration is denied.
4 2. This order terminates docket number 10.

5 **IT IS SO ORDERED.**

6 Dated: October 3, 2014



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8 VINCE CHHABRIA
9 United States District Judge
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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 10/3/2014, 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.

Raphael George Rayford ID: D-76886
Salinas Valley State Prison
P.O. Box 1050, Fac.: D1-111L
Soledad, CA 93960-1050

Dated: 10/3/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA