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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY MILLS,
Plaintiff,
v.
K. MITCHELL, et al.,
Defendants.

Case No. [16-cv-05095-HSG](#)

**ORDER SETTING BRIEFING
SCHEDULE**

Plaintiff, an inmate at San Quentin State Prison (“SQSP”), filed the instant *pro se* action pursuant to 42 U.S.C. § 1983. On March 19, 2018, the Court granted Defendants’ motion for summary judgment for failure to exhaust administrative remedies, dismissed this action without prejudice, and entered judgment in favor of Defendants. ECF Nos. 31 and 32.

On March 30, 2018, Plaintiff filed a motion for reconsideration. ECF No. 36. Because judgment has been entered in this case, Plaintiff’s motion for reconsideration is construed as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. *See Am. Ironworks & Erectors v. N. Am. Constr. Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001) (where ruling has resulted in final judgment or order, reconsideration motion may be based either on Rule 59(e) (alter or amend judgment) or Rule 60(b) (relief from judgment) of the Federal Rules of Civil Procedure). Defendants shall file an opposition to this motion by **April 20, 2018**. Plaintiff shall file a reply within **fourteen (14) days** of the date the opposition is filed.

IT IS SO ORDERED.

Dated: 4/10/2018


HAYWOOD S. GILLIAM, JR.
United States District Judge