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*\*E-FILED - 8/17/10\**

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

THEODORE SHOVE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GOVERNOR A. SCHWARZENEGGER, et )  
 al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

No. C 09-0656 RMW (PR)  
ORDER DENYING MOTION FOR  
RECONSIDERATION

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging, inter alia, that he is being illegally imprisoned and his criminal convictions are void. On June 3, 2009, the court dismissed the complaint concluding that plaintiff’s claims were barred under both Younger v. Harris, 401 U.S. 37 (1971) and Heck v. Humphrey, 512 U.S. 477 (1994). On June 19, 2009, plaintiff filed a motion for reconsideration. On December 8, 2009, the court denied his motion. On December 28, 2009, plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeal. On January 21, 2010, the Ninth Circuit concluded, “Because the appeal is so insubstantial as to not warrant further review, it shall not be permitted to proceed.” In re Theodore Shove, No. 96-80069 (9th Cir. Jan. 21, 2010) (order).

On June 28, 2010, plaintiff filed a second motion for reconsideration. In the motion, plaintiff appears to be challenging his underlying conviction and sentence. Again, plaintiff’s

1 allegations provide no valid grounds for reconsideration of the court's conclusion that plaintiff's  
2 underlying claims challenging his conviction are barred by both Younger and Heck.  
3 Accordingly, the motion for reconsideration is DENIED. No further filings will be accepted in  
4 this closed case.

5 IT IS SO ORDERED.

6 DATED: 8/17/10

  
RONALD M. WHYTE  
United States District Judge

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