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

| | | |
|-----------------------|---|-----------------------------|
| FRANCISCO VILLASENOR, |) | No. C 11-3662 LHK (PR) |
| |) | |
| Plaintiff, |) | ORDER GRANTING PLAINTIFF'S |
| |) | MOTION FOR RECONSIDERATION; |
| vs. |) | VACATING JUDGMENT; RE- |
| |) | OPENING CASE |
| MATTHEW CATE, |) | |
| |) | (Docket No. 23) |
| Defendant. |) | |
| |) | |

Plaintiff, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Defendant Matthew Cate, alleging that he was deliberately indifferent to Plaintiff's serious medical needs. On February 1, 2012, Defendant filed a motion to dismiss for failure to exhaust. Although given an opportunity, Plaintiff did not file an opposition. On May 11, 2012, the Court granted Defendant's motion to dismiss, concluding that Plaintiff failed to exhaust his administrative remedies prior to filing his federal lawsuit. On June 7, 2012, Plaintiff filed a motion for reconsideration, alleging that he had been housed in administrative segregation from December 22, 2011 through May 24, 2012, and, during that time, had no contact with his property and no ability to contact this Court.

In light of the allegations in Plaintiff's motion, and in the interest of justice, the Court GRANTS Plaintiff's motion for reconsideration, VACATES the judgment imposed on May 11, 2012, and RE-OPENS the case so that Plaintiff may have an opportunity to file an opposition to

1 Defendant's motion to dismiss. Plaintiff shall file the opposition within **twenty-eight (28) days**
2 of the filing date of this order. Defendant shall file his reply **fourteen (14) days** thereafter.

3 IT IS SO ORDERED.

4 DATED: 6/26/12


LUCY H. KOH
United States District Judge

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