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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
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11 **Dennis Hodges**, an individual;
12 Plaintiff(s)

13 v.

14 **TODD GLORIA**, both in his personal
15 capacity and in his official capacity as
the Mayor of the City of San Diego

16 Defendant(s)

Case No.: 23-cv-2065-LL-MSB

**PLAINTIFF’S NOTICE OF
MOTION FOR
RECONSIDERATION**

**NO ORAL ARGUMENT
PURSUANT TO LOCAL RULE**

Date: August 26, 2024

Time: N/A

Judge: Honorable Thomas J. Whelan

Courtroom: 3C

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21 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

22 **PLEASE TAKE NOTICE** that on August 26, 2024 in the above-entitled
23 court, Dennis Hodges (“Plaintiff”) will, and hereby does, move this Court pursuant to
24 Local Rule 7.1(i)(2) and Federal Rules of Civil Procedure, Rule 59(e) for
25 reconsideration of the Order dated June 24, 2024, in which this Court dismissed
26 without leave to amend Plaintiff’s First Amended Complaint (“FAC”). The grounds
27 for Plaintiff’s Motion for Reconsideration are as follows:
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1 *First*, the Court committed clear error by misconstruing Pastor Hodges’
2 religious beliefs as political rhetoric that gives a government official authority to
3 effectively remove a public servant from public office due to a lack of “commonality
4 of political purpose.” However, Pastor Hodges’ decision to abstain from voting on an
5 agenda item related to his sincerely held religious beliefs had nothing to do with the
6 political purposes of the public positions he held. The Court’s Order effectively
7 created an unconstitutional religious test for public servants to hold public office.

8 *Second*, the Court committed clear error because it granted Defendant’s motion
9 to dismiss the FAC without leave to amend despite neither the Defendant nor the
10 Court addressing whether Pastor Hodges sufficiently pled his First Cause of Action
11 (free exercise of religion) and Second Cause of Action (free speech). *See Ashcroft v.*
12 *Iqbal*, 556 U.S. 662, 678 (2009).

13 This motion is based upon this notice, the pleadings, the memorandum of points
14 and authorities filed with this motion, and such oral argument as permitted by the
15 Court.

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DATED: July 22, 2024

ADVOCATES FOR FAITH & FREEDOM

By: /s/ Julianne Fleischer
Julianne Fleischer

Attorney for **Plaintiff**