

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 06 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ELMER R. SEEVERS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 08-56680

D.C. No. 3:05-cv-00481-J-BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Napoleon A. Jones, District Judge, Presiding

Submitted September 13, 2010**

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Elmer R. Seevers appeals pro se from the district court's order denying his motion to reconsider the dismissal of his action alleging constitutional violations arising from injuries that he suffered while employed by the Department of the Navy. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion. *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion by denying Seevers's motion for reconsideration because Seevers failed to establish any basis for reconsideration. *See id.* at 1263 (Rule 60(b) permits reconsideration only upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances that would justify relief).

Seevers's remaining contentions are unpersuasive.

AFFIRMED.