

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 3 2014

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

MICHAEL R. JONES,

Plaintiff - Appellant,

v.

THOMAS J. VILSACK, Secretary of  
Agriculture; United States Department of  
Agriculture, Forest Service,

Defendants - Appellees.

No. 13-16262

D.C. No. 2:12-cv-01590-KJM-  
CMK

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Kimberly J. Mueller, District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Michael R. Jones appeals pro se the district court's order dismissing his employment action as duplicative. We have jurisdiction under 28 U.S.C. § 1291.

We review for an abuse of discretion, *Adams v. Cal. Dep't of Health Servs.*, 487

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\* 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).

F.3d 684, 688 (9th Cir. 2007), and we affirm.

The district court did not abuse its discretion in dismissing Jones' action as duplicative of his claims in *Jones v. Forest Service*, No. 2:11-cv-2972-GEB-CMK, because the claims, relief sought, and parties are the same. *See Adams*, 487 F.3d at 688-94 (listing the factors for determining whether claims are duplicative, explaining that two events arise out of the same nucleus of facts if they are related and can be conveniently tried together, and noting the district court's broad discretion in deciding how to dispose of a later-filed, duplicative action).

The district court did not abuse its discretion in denying Jones' motions for reconsideration because Jones failed to establish any basis for relief. *See Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Fed. R. Civ. P. 59(e) and 60(b)).

Jones' motion for corrections, filed on September 18, 2014, and his motion to consolidate this appeal with appeal nos. 14-16599 and 14-16875, filed on October 8, 2015, are denied.

**AFFIRMED.**