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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Elvira DeLeon,

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No. CV-08-2372-PHX-DGC

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Plaintiff,

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ORDER

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vs.

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Michael J. Astrue, Commissioner of
Social Security,

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Defendant.

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On February 10, 2010, the Court issued an order reversing Defendant’s administrative decision and remanding the case for an award of benefits. Dkt. #21. The Clerk entered judgment accordingly. Dkt. #22.

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Defendant has filed a motion to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Dkt. #23. Plaintiff has filed a response. Dkt. #25. No party has requested oral argument. For reasons that follow, the Court will deny the motion.

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Under Rule 59(e), it is appropriate to alter or amend a judgment in four circumstances: (1) newly discovered evidence has been presented, (2) the Court committed clear error, (3) the judgment is manifestly unjust, or (4) there is an intervening change in controlling law. See *United Nat’l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009).

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Defendant has shown none of these circumstances. Defendant requests that the Court clarify that further proceedings are necessary to determine whether Plaintiff meets the income and resource requirements prescribed by the Social Security Act. Dkt. #24 at 2-3.

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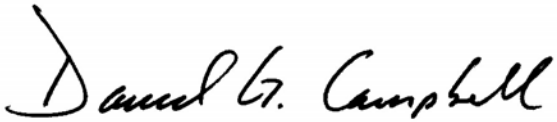
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1 Plaintiff, however, does not dispute that her financial eligibility for supplemental security
2 income must be decided as part of the remand in this case. Dkt. #25 at 2.

3 **IT IS THEREFORE ORDERED** that Defendant's motion to alter or amend
4 judgment (Dkt. #23) is **denied**.

5 DATED this 14th day of April, 2010.

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David G. Campbell
United States District Judge