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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Gilbert Mota,

10 Plaintiff,

11 v.

12 Commissioner of Social Security  
13 Administration,

14 Defendant.

No. CV-17-00555-TUC-EJM

**ORDER**

15 Pending before the Court is Defendant's Motion to Alter or Amend Judgment  
16 Pursuant to Fed. R. Civ. P. 59(e). (Doc. 29).

17 Under Rule 59(e) of the Federal Rules of Civil Procedure, a party may file a  
18 "motion to alter or amend a judgment." The Ninth Circuit has explained that [s]ince  
19 specific grounds for a motion to amend or alter are not listed in the rule, the district court  
20 enjoys considerable discretion in granting or denying the motion." McDowell v.  
21 Calderon, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999) (en banc) (per curiam) (internal  
22 quotation marks omitted). But amending a judgment after its entry remains "an  
23 extraordinary remedy which should be used sparingly." Id. (internal quotation marks  
24 omitted). In general, there are four basic grounds upon which a Rule 59(e) motion may be  
25 granted: (1) if such motion is necessary to correct manifest errors of law or fact upon  
26 which the judgment rests; (2) if such motion is necessary to present newly discovered or  
27 previously unavailable evidence; (3) if such motion is necessary to prevent manifest  
28 injustice; or (4) if the amendment is justified by an intervening change in controlling law.

1 Id.; Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1112 (9th Cir. 2011). Rule 59(e) “may not  
2 be used to relitigate old matters, or to raise arguments or present evidence that could have  
3 been made prior to the entry of judgment.” Exxon Shipping Co. v. Baker, 554 U.S. 471,  
4 485 n.5 (2008) (citation omitted).

5 The Court’s previous Order (Doc. 26) fully explained the Court’s reasoning for its  
6 decision. The Court will not repeat itself again here. Accordingly,

7 **IT IS HEREBY ORDERED** denying Defendant’s Motion to Alter or Amend  
8 Judgment Pursuant to Fed. R. Civ. P. 59(e). (Doc. 29).

9 Dated this 9th day of September, 2019.

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Eric J. Markovich  
United States Magistrate Judge