

1 manifest injustice and is to be utilized only where extraordinary circumstances . . .” exist.
2 Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation
3 omitted). The moving party “must demonstrate both injury and circumstances beyond his
4 control . . .” Id. (internal quotation marks and citation omitted). In seeking reconsideration
5 of an order, Local Rule 230(k) requires Plaintiff to show “what new or different facts or
6 circumstances are claimed to exist which did not exist or were not shown upon such prior
7 motion, or what other grounds exist for the motion.”

8 “A motion for reconsideration should not be granted, absent highly unusual
9 circumstances, unless the . . . court is presented with newly discovered evidence,
10 committed clear error, or if there is an intervening change in the controlling law,” Marlyn
11 Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)
12 (internal quotations marks and citations omitted), and “[a] party seeking reconsideration
13 must show more than a disagreement with the Court’s decision, and recapitulation . . .” of
14 that which was already considered by the Court in rendering its decision. U.S. v.
15 Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001).

16 The basis for Plaintiff’s motion for reconsideration is his disagreement with the
17 Court’s screening decision and the Court’s application of the law to his complaint. Plaintiff
18 has not shown clear error or other meritorious grounds for relief, and has therefore not met
19 his burden as the party moving for reconsideration. Marlyn Nutraceuticals, Inc., 571 F.3d
20 at 880. Plaintiff’s disagreement with the Court’s ruling is not sufficient grounds for relief
21 from the order. Westlands Water Dist., 134 F.Supp.2d at 1131.

22 Plaintiff’s motion for reconsideration [ECF No. 30] is DENIED, with prejudice, and
23 Plaintiff is required to comply with the Court’s Screening Order. Plaintiff must file an
24 amended complaint or notify the Court of his willingness to proceed only on the claim found
25 cognizable by **September 30, 2010**.

26 IT IS SO ORDERED.

27 Dated: September 6, 2010

28 1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE