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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BOBBY LEE,

Plaintiff,

v.

A.K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:05-cv-00802-SKO PC

ORDER DENYING MOTION FOR RECONSIDERATION

(Docs. 35)

Plaintiff Bobby Lee (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is a motion for reconsideration from Plaintiff. (Docs. #35.) Plaintiff requests reconsideration of the April 2, 2010 order dismissing certain claims from this action.

Motions to reconsider are committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C. Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc). A motion for reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” Kona Enterprises v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). To succeed, a party must set forth facts or law of a strongly convincing nature to introduce the Court to reverse its prior decision. See, e.g., Kern-Tulare Water Dist. v. City of Bakersfield, 634 F. Supp. 656, 665 (E.D. Cal. 1986), aff’d in part and rev’d in part on other grounds, 828 F.2d 514 (9th Cir. 1987). When filing a motion for reconsideration, Local Rule 230(j) requires a party to show the “new or different facts or circumstances claimed to exist
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1 which did not exist or were not shown upon such prior motion, or what other grounds exist for the
2 motion.”

3 Plaintiff’s motion for reconsideration fails to set forth any new or different facts or
4 circumstances that did not exist at the time of the Court’s April 2, 2010 screening order. Plaintiff
5 requests reconsideration on the basis of facts and arguments that the Court had already considered
6 at the time of the screening order.

7 Accordingly, the Court HEREBY ORDERS that Plaintiff’s motion for reconsideration is
8 DENIED.

9
10 IT IS SO ORDERED.

11 **Dated: January 11, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE