

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY VICTORY,
Plaintiff,

v.

SCHWARZENEGGER, et al.,
Defendants.

CASE NO. 1:05-cv-01578-LJO-DLB PC
ORDER DENYING OBJECTIONS
(Doc. 95)

_____ /

Order

Plaintiff Michael Anthony Victory (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s [objections](#) to the Court’s April 22, 2010 order, denying Plaintiff’s request for appointment of counsel and for certificate of appealability. The Court construes these objections as a motion for reconsideration.

Motions to reconsider are committed to the discretion of the trial court. *Rodgers v. Watt*, 722 F.2d 456, 460 (9th Cir. 1983) (en banc); *Combs v. Nick Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). A party seeking reconsideration must set forth facts or law of a strongly convincing nature to induce the court to reverse a 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). This Court’s Local Rule 230(j) requires a party seeking reconsideration to demonstrate “what new or different facts or circumstances are

1 claimed to exist which did not exist or were not shown upon such prior motion, or what other
2 grounds exist for the motion.”

3 Plaintiff’s objections consist of Plaintiff’s disagreement with the Court’s rulings.
4 However, Plaintiff raises no new arguments that merit reconsideration of the Court’s April 22,
5 2010 order. Plaintiff’s contention that he is not the author of his own legal filings does not
6 demonstrate that Plaintiff thus requires the appointment of counsel in this action. Plaintiff’s
7 other arguments restate Plaintiff’s arguments in his original motion. Plaintiff presents no new
8 grounds for reconsideration.

9 Accordingly, Plaintiff’s objections, filed May 7, 2010, are DENIED.

10
11 IT IS SO ORDERED.

12 **Dated:** May 10, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE