

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

FREDERICK JONES, SR.,

CASE NO. 1:06-cv-00665-LJO-SKO PC

Plaintiff,

ORDER DENYING MOTION FOR  
RECONSIDERATION

v.

(Doc. 78)

ANTHONY COOPER, et al.,

Defendants.

Plaintiff Frederick Jones, Sr. ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On February 23, 2010, Plaintiff filed a motion for reconsideration. (Doc. #78.) Plaintiff requests reconsideration of the order denying Plaintiff's previous motion for reconsideration.

Although Plaintiff's motion is styled as a motion seeking reconsideration of the denial of a motion for reconsideration, Plaintiff is essentially seeking reconsideration of the Court's dismissal of his due process claims for failing to state a claim, which occurred on March 26, 2009. (Doc. #50.)

The Court will deny Plaintiff's February 23, 2010 motion for reconsideration for the same reasons the Court denied Plaintiff's April 10, 2009 motion for reconsideration. Plaintiff has failed to set forth any new or different facts that did not exist at the time Plaintiff's due process claims were dismissed. Plaintiff's due process claims were dismissed after the Court partially granted Defendants' motion to dismiss under Federal Rule of Civil Procedure 12(b)(6).

Plaintiff is hereby warned that filing a duplicative motion after the first motion is denied may result in sanctions under Federal Rule of Civil Procedure 11. See Nugget Hydroelectric, L.P. v.

1 Pacific Gas and Elec. Co., 9831 F.2d 429, 439 (9th Cir. 1992) (affirming \$10,042 sanction against  
2 party for filing duplicate motion to compel after first motion to compel was denied). If Plaintiff  
3 continues to file motions on issues that have previously been raised by Plaintiff and denied by the  
4 Court, he will be sanctioned under Rule 11, either by the imposition of monetary sanctions or  
5 dismissal of this action. Plaintiff cannot seek reconsideration of an order denying reconsideration  
6 to get two attempts at obtaining reconsideration of the order dismissing his due process claims.

7 Accordingly, it is HEREBY ORDERED that Plaintiff's February 23, 2010 motion for  
8 reconsideration is DENIED.

9  
10 IT IS SO ORDERED.

11 **Dated: August 10, 2010**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**