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6 **UNITED STATES DISTRICT COURT**  
78 EASTERN DISTRICT OF CALIFORNIA  
910 9 FREDERICK JONES, SR., CASE NO. 1:06-cv-00665-LJO-SKO PC  
11 10 Plaintiff, ORDER DENYING MOTION FOR  
12 11 v. RECONSIDERATION  
13 12 ANTHONY COOPER, et al., (Doc. 78)  
14 13 Defendants.  
15 14 /16 Plaintiff Frederick Jones, Sr. (“Plaintiff”) is a state prisoner proceeding pro se and in forma  
17 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On February 23, 2010, Plaintiff  
18 filed a motion for reconsideration. (Doc. #78.) Plaintiff requests reconsideration of the order  
denying Plaintiff’s previous motion for reconsideration.19 Although Plaintiff’s motion is styled as a motion seeking reconsideration of the denial of a  
20 motion for reconsideration, Plaintiff is essentially seeking reconsideration of the Court’s dismissal  
21 of his due process claims for failing to state a claim, which occurred on March 26, 2009. (Doc. #50.)22 The Court will deny Plaintiff’s February 23, 2010 motion for reconsideration for the same  
23 reasons the Court denied Plaintiff’s April 10, 2009 motion for reconsideration. Plaintiff has failed  
24 to set forth any new or different facts that did not exist at the time Plaintiff’s due process claims were  
25 dismissed. Plaintiff’s due process claims were dismissed after the Court partially granted  
26 Defendants’ motion to dismiss under Federal Rule of Civil Procedure 12(b)(6).27 Plaintiff is hereby warned that filing a duplicative motion after the first motion is denied may  
28 result in sanctions under Federal Rule of Civil Procedure 11. See Nugget Hydroelectric, L.P. v.

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

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

IT IS SO ORDERED.

**Dated:** August 10, 2010

**/s/ Sheila K. Oberto**

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UNITED STATES MAGISTRATE JUDGE

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