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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAIME L. ZEPEDA,

1:06-cv-01391-GSA-PC

Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION, WITH PREJUDICE,
AND REQUIRING PLAINTIFF TO COMPLY
WITH SCREENING ORDER WITHIN THIRTY
DAYS

v.

W. J. SULLIVAN, et al.,

Defendants.

(Doc. 23.)

Plaintiff Jaime L. Zepeda is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On October 30, 2009, the Court dismissed Plaintiff’s second amended complaint for failure to state a claim, with leave to amend. (Doc. 23.) Plaintiff filed a motion for reconsideration on December 2, 2009.¹

Rule 60(b)(6) allows the Court to relieve a party from an order for any reason that justifies relief. Rule 60(b)(6) “is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances . . .” exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation omitted). The moving party “must demonstrate both injury and circumstances beyond his control . . .” Id. (internal quotation marks and citation omitted). In seeking reconsideration of an order, Local Rule 230(k) requires Plaintiff to show “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion.”

¹This is a consent case, and therefore, Plaintiff is not entitled to have his objections reviewed by a district judge. Appendix A(k)(4) of the Local Rules of the Eastern District of California.

