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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK GONZALES,
Plaintiff,

v.

MATTHEW L. CATE, et al.,
Defendants.

Case No. 1:06-cv-01420-AWI-MJS (PC)
**ORDER DENYING PLAINTIFF'S
REQUEST FOR RECONSIDERATION**
(ECF No. 115)

Plaintiff Frank Gonzales, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on October 13, 2006 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The matter proceeds on Plaintiff's third amended complaint (ECF No. 37) against Defendants Lantz, Garrison, Nichols, Deathriage, and Govea for First and Eighth Amendment violations and against Defendants Garza, Franco, Mayes, Cate, Fernando, Marrujo, and Fuentes for a First Amendment violation. (ECF No. 62.)

On July 16, 2013, the Court denied without prejudice Plaintiff's motion (ECF No. 109) for an order directing the Pleasant Valley State Prison ("PVSP") warden to permit inspection and testing of premises by Crystal M. Moore and an order for a forty-five day extension of the current discovery and dispositive motion deadlines.

On August 16, 2013, Plaintiff filed a reply (ECF No. 115) in support of the motion.¹

¹ Defendants' response to the motion was untimely and not considered by the Court in its July 16, 2013 ruling. See ECF No. 114 at n.1.

1 The reply was not timely filed. Local Rule 230(l).

2 Plaintiff's reply, construed as a request for reconsideration, shall be denied. The
3 reply does not acknowledge the Court's July 16th order or address considerations and
4 findings therein. Plaintiff does not provide any newly discovered evidence, point to any
5 clear error, or suggest there was an intervening change in the controlling law that would
6 require the Court to reconsider its July 16, 2013 order. Fed. R. Civ. P. 60(b)(6); Harvest v.
7 Castro, 531 F.3d 737, 749 (9th Cir. 2008); Local Rule 230(j). Plaintiff does not explain why
8 the reply was not timely filed. His mere disagreement with the Court's decision is not
9 grounds for reconsideration.

10 Accordingly, for the reasons stated above, it is HEREBY ORDERED that Plaintiff's
11 reply (ECF No. 115), construed as a motion for reconsideration of the Court's July 16, 2013
12 order, is DENIED.

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18 IT IS SO ORDERED.

19 Dated: August 20, 2013

/s/ Michael J. Seng
20 UNITED STATES MAGISTRATE JUDGE
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