

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIE LEE CARPENTER,

1:07-cv-00029-OWW-SMS-P

Plaintiff,

ORDER DENYING REQUEST FOR
RECONSIDERATION
(Docs. 13, 14.)

v.

SULLIVAN, et al.,

Defendants.

I. BACKGROUND

Willie Lee Carpenter ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was filed on January 8, 2007, and the complaint was dismissed as duplicative on April 17, 2007.

On October 17, 2008, plaintiff filed a Request to Dismiss Filing Fees and a Motion from Judgment or Order. (Docs. 13, 14.) In both documents, plaintiff requests the court to reconsider its order of April 17, 2007, which denied plaintiff's motion to rescind the court's order collecting the filing fee for this action. (Doc. 9.)

II. DISCUSSION

Motions to reconsider are committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441 (D.C. Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc). The Local Rules provide that when filing a motion for reconsideration, a

1 party show that the “new or different facts or circumstances claimed to exist which did not exist
2 or were not shown upon such prior motion, or what other grounds exist for the motion.” Local
3 Rule 78-230(k)(3).

4 Plaintiff argues that he should not be required to pay the \$350.00 filing fee for this action,
5 which was dismissed as duplicative by the court on April 17, 2007, because he did not intend to
6 file two identical cases.

7 The court finds no basis upon which to reconsider its order. Plaintiff has not shown any
8 new or different facts or circumstances which did not exist at the time the court made its ruling.
9 Plaintiff has simply recited, in greater detail, the chain of events that caused two identical actions
10 to be filed by the court. Plaintiff has not added any facts to refute the evidence previously found
11 and considered by the court.

12 **III. CONCLUSION**

13 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff’s request for
14 reconsideration, filed on October 17, 2008, is DENIED.
15 IT IS SO ORDERED.

16 **Dated:** April 23, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE