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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON,	CASE NO. 1:07-cv-00493-AWI-DLB PC
Plaintiff,	ORDER DENYING WITH PREJUDICE
v.	OBJECTION CONSTRUED AS FURTHER
	MOTION FOR RECONSIDERATION
JOHN TILTON, et al.,	(Docs. 47, 53)
Defendants.	

Plaintiff Barry Lamon (“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 December 18, 2008, Plaintiff filed a third amended complaint, along with a motion for a temporary restraining order and injunctive relief.¹ (Docs. 41, 42.) On December 23, 2008, the undersigned issued a Findings and Recommendations recommending that Plaintiff’s motion be denied. (Doc. 44.) On January 20, 2009, Plaintiff filed a motion requesting re-argument of his motion, along with a further motion for a temporary restraining order and/or preliminary injunctive relief. (Docs. 45-47, 49 -51.) Plaintiff also filed an objection to the Findings and Recommendations. (Doc. 48.)

On February 19, 2009, the undersigned issued an order denying Plaintiff’s motion for re-argument construed as a motion for reconsideration. (Doc. 52.) On March 12, 2009, the District Judge issued an order adopting the Findings and Recommendations. (Doc. 56.) Plaintiff then filed an appeal of the District Judge’s order, and on June 1, 2009, the Ninth Circuit summarily affirmed

¹ On June 30, 2009, the Court issued a Findings and Recommendations following the screening of Plaintiff’s Third Amended Complaint. 28 U.S.C. § 1915A(a). (Doc. 65.)

1 the Court's order denying preliminary injunctive relief. (Docs. 63, 64.)

2 Still pending on the Court's docket is Plaintiff's objection, filed March 4, 2009, to the
3 undersigned's order denying Plaintiff's motion for re-argument. (Doc. 53.) Plaintiff's objection,
4 which the Court construes as a further motion for reconsideration, is moot in light of the decision
5 of the Ninth Circuit and therefore the motion is denied. Further, the Court has reviewed Plaintiff's
6 objection/motion for reconsideration and finds that Plaintiff has set forth no grounds justifying
7 reconsideration. Fed. R. Civ. Pro. 60 (governing motions for reconsideration of final orders and
8 judgments); Local Rule 78-230(k) (governing motions for reconsideration of orders resolving
9 motions).

10 Accordingly, Plaintiff's objection, construed as a further motion for reconsideration, is
11 denied, with prejudice.

12 IT IS SO ORDERED.

13 Dated: July 6, 2009

13 /s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE