

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRAVIS RAY THOMPSON, CASE NO. 1:07-cv-00572-SKO PC
 Plaintiff, ORDER RE MOTION
 v. (Doc. 35)
SCOTT KERNAN, et al.,
 Defendants.

Plaintiff Travis Ray Thompson ("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 October 19, 2009, Plaintiff filed a motion entitled "Motion for Reconsideration, or Alternatively for an Interlocutory Appeal of the Order Dismissing Certain Claims, Dated 10-5-09." (Doc #35.) Plaintiff has consented to jurisdiction by U.S. Magistrate Judge. (Doc. #4.) No other parties have made an appearance in this action.

Plaintiff requests that the Court reconsider its October 6, 2009 order dismissing certain claims from this action. Federal Rule of Civil Procedure 60(b) states:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;

1 (5) the judgment has been satisfied, released or discharged; it is based
2 on an earlier judgment that has been reversed or vacated; or applying
3 it prospectively is no longer equitable; or
4 (6) any other reason that justifies relief.

5 Plaintiff has not demonstrated that relief from the Court's prior order is warranted under Rule 60(b).

6 Plaintiff has not specifically identified which of the enumerated reasons apply. Plaintiff argues that
7 the Court's judgment was erroneous. However, Plaintiff fails to raise any arguments that were not
8 considered by the Court when the order was issued. Plaintiff's motion for reconsideration will be
9 denied.

10 Plaintiff alternatively seeks an interlocutory appeal of the Court's dismissal of his claims.
11 Plaintiff is advised that it is not necessary to seek the permission of this Court to file an appeal with
12 the Ninth Circuit.¹

13 Accordingly, it is HEREBY ORDERED that Plaintiff's motion, filed on October 19, 2009,
14 is DENIED.

15 IT IS SO ORDERED.

16 **Dated: April 21, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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26 ¹The order dismissing Plaintiff's claims was conducted by a Magistrate Judge on consent of Plaintiff, as
provided by 28 U.S.C. § 636(c). Section 636(c)(3) provides:

27 Upon entry of judgment in any case referred under paragraph (1) of this
28 subsection, an aggrieved party may appeal directly to the appropriate United
States court of appeals from the judgment of the magistrate judge in the same
manner as an appeal from any other judgment of a district court.