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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARY H. BRUSH,

Plaintiff,

v.

J. WOODFORD, et al.,

Defendants.

CASE NO. 1:07-cv-01009-LJO-SKO PC

ORDER DENYING MOTION FOR RECONSIDERATION

(Doc. 99)

Plaintiff Gary H. Brush (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s August 10, 2010 motion for reconsideration. (Doc. #99.)

Plaintiff seeks reconsideration of the Magistrate Judge’s order granting Defendants an extension of time to file a motion for summary judgment. Federal Rule of Civil Procedure 60 governs the reconsideration or relief from a final judgment, order or proceeding. Under Rule 60(b), the Court may relief a party from a final judgment, order, or proceeding on the grounds of “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence . . . (3) fraud . . . or (6) any other reason that justifies relief.” Federal Rule of Civil Procedure 60(b)(1)-(6). 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). A motion for reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” Kona Enterprises v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). When requesting reconsideration, Local Rule 230(j) requires a

1 party to show “new or different facts or circumstances claimed to exist which did not exist or were
2 not shown upon such prior motion, or what other grounds exist for the motion.”

3 Plaintiff’s motion for reconsideration does not set forth any new or different facts or
4 circumstances that did not exist when the Court granted Defendants request for an extension of time.
5 Plaintiff has not set forth any other grounds for reconsideration. The Court reminds Plaintiff that he
6 has been granted numerous extensions of time in this action.

7 Accordingly, the Court HEREBY ORDERS that Plaintiff’s motion for reconsideration is
8 DENIED.

9 IT IS SO ORDERED.

10 **Dated: February 15, 2011**

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

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