

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,

CASE NO. 1:07-cv-01391-AWI-GBC PC

Plaintiff,

ORDER DENYING PLAINTIFF'S
"OPPOSITION"

v.

(Doc. 32)

PRICE, et al.,

Defendants.

Plaintiff Michael Gonzales ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's [complaint](#), filed on September 21, 2007, against Defendants Price, K. Frescura, B. S. Vikjord, M. Castro, and R. Pinzon for retaliation and refusal to mail his correspondence in violation of the First Amendment. (Doc. 1.) On December 16, 2010, the Court issued an [order adopting the findings and recommendations](#) recommending denying Defendants' [motion to dismiss](#), Plaintiff's [motion for a preliminary injunction](#) filed July 22, 2010, and Plaintiff's [motion for a preliminary injunction](#), filed May 12, 2010. On December 28, 2010, Plaintiff filed a document entitled [objections to findings and recommendations](#). An "opposition" to the Court's final order is not a recognized response.

To the extent that the opposition is construed to be a motion for reconsideration, it is without merit. Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. The Rule permits a district court to relieve a party from a final order or judgment on

1 grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (3) fraud . . . of an adverse
2 party, . . . or (6) any other reason justifying relief from the operation of the judgment.” Fed. R. Civ.
3 P. 60(b). Plaintiff’s opposition is devoid of any ground entitling Plaintiff to reconsideration of the
4 Court’s order and is denied.

5 Accordingly, Plaintiff’s objections to findings and recommendations, filed December 28,
6 2010, is HEREBY DENIED.

7
8 IT IS SO ORDERED.

9 Dated: January 7, 2011


CHIEF UNITED STATES DISTRICT JUDGE