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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY CRAIG HUCKABEE,)	Case No.: 1:09-cv-00749-LJO-BAM (PC)
Plaintiff,)	
v.)	ORDER DENYING MOTION FOR
MEDICAL STAFF at CSATF, et al.,)	RECONSIDERATION TO DISTRICT JUDGE’S
Defendants.)	ORDER ON MAGISTRATE’S FINDINGS AND
)	RECOMMENDATION
)	(ECF No. 101)
)	

I. Background

Plaintiff Anthony Craig Huckabee (“Plaintiff”) is a state prisoner, currently proceeding pro se, in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint filed on August 21, 2012.

On August 21, 2013, the Magistrate Judge issued Findings and Recommendations that the motion to dismiss filed by Defendants Diaz, Wu, Bhatt and Nguyen be granted in part and denied in part. (ECF No. 75.) On October 17, 2013, Plaintiff filed objections to the Findings and Recommendations. (ECF No. 94.) The undersigned considered Plaintiff’s objections and partially adopted the Findings and Recommendations on December 10, 2013. (ECF No. 96.)

On December 26, 2013, Plaintiff filed the instant motion for reconsideration of the order partially adopting the findings and recommendations regarding Defendants’ motion to dismiss. (ECF

1 No. 101.) On January 23, 2014, Defendants filed an opposition to the motion for reconsideration.
2 (ECF No. 117.) The motion is deemed submitted. Local Rule 230(l).

3 **II. Discussion**

4 “A motion for reconsideration should not be granted, absent highly unusual circumstances,
5 unless the district court is presented with newly discovered evidence, committed clear error, or if there
6 is an intervening change in the controlling law.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH
7 & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations marks and citations omitted). “A party
8 seeking reconsideration must show more than a disagreement with the Court’s decision, and
9 recapitulation ...” of that which was already considered by the Court in rendering its decision. United
10 States v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). To succeed, a party
11 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
12 decision. See Kern–Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal.1986),
13 affirmed in part and reversed in part on other grounds, 828 F.2d 514 (9th Cir. 1987). Additionally,
14 pursuant to this Court’s Local Rules, when filing a motion for reconsideration, a party must show what
15 “new or different facts or circumstances claimed to exist which did not exist or were not shown upon
16 such prior motion, or what other grounds exist for the motion.” Local Rule 230(j).

17 Plaintiff seeks reconsideration of two primary issues. First, Plaintiff seeks reconsideration of
18 the Court’s determination that Defendant Wu was described as the Chief Medical Officer overseeing
19 referrals and prescription renewals. Plaintiff maintains that the Court’s order essentially eliminated
20 the liability of the two unidentified defendants described as the Chief Medical Officer and Chief
21 Pharmacist. Plaintiff presents no basis for the Court to reverse its prior decision. Plaintiff apparently
22 overlooks the Court’s finding that “[t]o the extent Defendant Wu is not considered to be both the Chief
23 Medical Officer and Chief Pharmacist, the motion to dismiss did not concern any claims against these
24 unidentified individuals.” (ECF No. 96, p. 2.) In other words, neither the motion to dismiss nor the
25 Court’s order affected the purported liability of these unnamed individuals.

26 Second, Plaintiff seeks reconsideration of the Court’s determination regarding the applicability
27 of the continuing violations doctrine. Plaintiff appears to elaborate on his previous arguments
28 regarding the continuing violations doctrine, which were presented in his objections to the Magistrate

1 Judge's findings and recommendations. However, Plaintiff has not presented any new facts or law
2 that were unavailable to him at the time he filed his objections. Plaintiff's mere disagreement with the
3 Court's order is not a sufficient basis for reconsideration. Westlands, 134 F.Supp.2d at 1131.
4 Plaintiff's references to medical grievances that he filed or the fact that the California prison medical
5 care system is in receivership do not alter the Court's determination.

6 **III. Conclusion**

7 For the reasons stated, Plaintiff's motion for reconsideration of the Court's order on the
8 Magistrate Judge's findings and recommendations is DENIED.

9
10 IT IS SO ORDERED.

11 Dated: March 24, 2014

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