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

NORMAN IVORY,

1:09-cv-01272-AWI-GSA-PC

Plaintiff,

vs.

ORDER DENYING PLAINTIFF'S MOTIONS  
FOR RECONSIDERATION  
(Doc. 82, 83.)

JAMES E. TILTON, et al.,

Defendants.

**I. BACKGROUND**

Norman Ivory ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's original Complaint filed on July 20, 2009, against Correctional Officer S. Meraz for use of excessive force in violation of the Eighth Amendment. (Doc. 1.)

On March 23, 2012, the Court granted defendant Sexton's motion to dismiss and dismissed defendant Sexton from this action, based on Plaintiff's failure to exhaust remedies for the claims against him. (Doc. 79.) On April 17, 2012 and April 20, 2012, Plaintiff filed motions for reconsideration of the order dismissing defendant Sexton. (Doc. 82, 83.)

**II. MOTION FOR RECONSIDERATION**

Rule 60(b)(6) allows the Court to relieve a party from an order for any reason that justifies relief. Rule 60(b)(6) "is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances . . ." exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation omitted). The moving party "must

1 demonstrate both injury and circumstances beyond his control . . . .” Id. (internal quotation marks  
2 and citation omitted). In seeking reconsideration of an order, Local Rule 230(k) requires Plaintiff  
3 to show “what new or different facts or circumstances are claimed to exist which did not exist or  
4 were not shown upon such prior motion, or what other grounds exist for the motion.”

5 “A motion for reconsideration should not be granted, absent highly unusual circumstances,  
6 unless the district court is presented with newly discovered evidence, committed clear error, or if  
7 there is an intervening change in the controlling law,” Marlyn Nutraceuticals, Inc. v. Mucos Pharma  
8 GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations marks and citations omitted,  
9 and “[a] party seeking reconsideration must show more than a disagreement with the Court’s  
10 decision, and recapitulation . . . .” of that which was already considered by the Court in rendering its  
11 decision,” U.S. v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001).

12 Plaintiff argues that the Court should reconsider its decision because Plaintiff forgot to assert,  
13 in his opposition to defendant Sexton’s motion to dismiss, that prison officials failed to follow their  
14 own practice, customs, and policies in the processing his prison appeal. Motions for reconsideration  
15 are not the place for parties to make new arguments not raised in their original briefs. Zimmerman  
16 v. City of Oakland, 255 F.3d 734, 740 (9th Cir. 2001); Northwest Acceptance Corp. v. Lynnwood  
17 Equip., Inc., 841 F.2d 918, 925-26 (9th Cir. 1988). Plaintiff has not demonstrated that the Court  
18 committed clear error, or presented the Court with new information of a strongly convincing nature,  
19 to induce the Court to reverse its prior decision. Therefore, the motions for reconsideration shall be  
20 denied.

21 **III. CONCLUSION**

22 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s motions for  
23 reconsideration, filed on April 17, 2012 and April 20, 2012, are DENIED.

24 IT IS SO ORDERED.

25 Dated: May 9, 2012

26   
27 CHIEF UNITED STATES DISTRICT JUDGE  
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