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5 **UNITED STATES DISTRICT COURT**  
67 EASTERN DISTRICT OF CALIFORNIA  
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9 DUANE DIXON,

CASE NO. 1:10-CV-01225-LJO-DLB PC

10 v. Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION  
11 DEPARTMENT OF CORRECTIONS AND FOR RECONSIDERATION  
12 REHABILITATION, et al.,

(DOC. 21)

13 Defendants.  
14 \_\_\_\_\_ /15 Plaintiff Duane Dixon (“Plaintiff”) is a prisoner in the custody of the California  
16 Department of Corrections and Rehabilitation (“CDCR”). Plaintiff was proceeding pro se and in  
17 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2011, the  
18 Court dismissed Plaintiff’s action for failure to state a claim. Pending before the Court is  
19 Plaintiff’s motion for reconsideration, filed June 30, 2011. Doc. 21.20 A court may relieve a party from a final judgment or order for, *inter alia*, mistake,  
21 inadvertence, surprise, or excusable neglect. Fed. R. Civ. P. 60(b)(1). Motions to reconsider are  
22 committed to the discretion of the trial court. *Rodgers v. Watt*, 722 F.2d 456, 460 (9th Cir.  
23 1983) (en banc); *Combs v. Nick Garin Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). A party  
24 seeking reconsideration must set forth facts or law of a strongly convincing nature to induce the  
25 court to reverse a prior decision. *See, e.g., Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F.  
26 Supp. 656, 665 (E.D. Cal. 1986), *aff’d in part and rev’d in part on other grounds*, 828 F.2d 514  
27 (9th Cir. 1987). This Court’s Local Rule 230(j) requires a party seeking reconsideration to  
28 demonstrate “what new or different facts or circumstances are claimed to exist which did not

1 exist or were not shown upon such prior motion, or what other grounds exist for the motion."

2 Plaintiff contends that he should be granted leave to amend. However, the Magistrate  
3 Judge assigned to this action found that Plaintiff would be unable to cure the deficiencies in this  
4 action even if he was afforded leave to amend. Findings and Recommendations, Doc. 15. The  
5 undersigned agrees. Plaintiff has presented no new facts or circumstances that merit  
6 reconsideration of the Court's judgment in this action.

7 Accordingly, Plaintiff's motion for reconsideration, filed June 30, 2011, is DENIED.

8 IT IS SO ORDERED.

9 **Dated: July 2, 2011**

/s/ **Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE