

1 607 (7th Cir. 2007).”¹

2 Plaintiff argues that he should not be precluded from adding new claims that are directly
3 related to his existing claim.

4 Rule 60(b)(6) allows the Court to relieve a party from an order for any reason
5 that justifies relief. Rule 60(b)(6) “is to be used sparingly as an equitable remedy to
6 prevent manifest injustice and is to be utilized only where extraordinary circumstances
7 ... ” exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008). The moving party “must
8 demonstrate both injury and circumstances beyond his control” Id. In seeking
9 reconsideration of an order, Local Rule 230(j) requires Plaintiff to show “what new or
10 different facts or circumstances are claimed to exist which did not exist or were not
11 shown upon such prior motion, or what other grounds exist for the motion.”

12 “A motion for reconsideration should not be granted, absent highly unusual
13 circumstances, unless the ... court is presented with newly discovered evidence,
14 committed clear error, or if there is an intervening change in the controlling law,” Marlyn
15 Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009),
16 and “[a] party seeking reconsideration must show more than a disagreement with the
17 Court’s decision, and recapitulation ... ” of that which was already considered by the
18 Court in rendering its decision. U.S. v. Westlands Water Dist., 134 F.Supp.2d 1111,
19 1131 (E.D. Cal. 2001).

20 Plaintiff’s request for reconsideration is moot because he has filed a First
21 Amended Complaint. Plaintiff is advised that the language he cites in the Court’s
22 January 12th Order precludes him from bringing “unrelated claims against different
23 defendants”² He may added other claims consistent with controlling law and, where
24 required, leave of the Court.³

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26 ¹ Order Dismissing Plaintiff’s Complaint With Leave to Amend, p. 12, ECF. No. 12.

27 ² George, 507 F.3d at 607, citing to Fed. R. Civ. P. 18(a).

28 ³ See generally Fed. R. Civ. P. 15, 18-20; See also United States District Court for the Eastern District -
Local Rules, Rule 220.

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Plaintiff has not provided grounds or arguments supporting a motion for reconsideration. He has not shown clear error or other meritorious grounds for relief. He has not met his burden as a party moving for reconsideration. Marlyn Nutraceuticals, Inc., 571 F.3d at 880.

Accordingly, for the foregoing reasons, it is ordered that Plaintiff's Objection to Magistrate's Order (ECF No. 16) is DENIED.

IT IS SO ORDERED.

Dated: March 5, 2012

Isl. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE