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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN A. RANSOM,

CASE NO. 1:11-cv-68-OWW-MJS (PC)

Plaintiff,

ORDER DENYING MOTION TO
RECONSIDER

v.

DEPARTMENT OF CORRECTIONS AND
REHABILITATION, et al.,

(ECF No. 5)

Defendants.

CASE SHALL REMAIN CLOSED

_____ /

Plaintiff Bryan Ransom ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On March 9, 2011, the Court found that, due to Plaintiff's litigation history, he was entitled to proceed in forma pauperis only if the alleged that he was in imminent danger of serious physical injury. Because Plaintiff's Complaint did not contain allegations sufficient to satisfy the imminent danger exception, the Court dismissed Plaintiff's Complaint without prejudice to Plaintiff refiling it contemporaneous with payment of the \$350.00 filing fee. (ECF No. 3.) The case was closed. (ECF No. 4.)

Before the Court is Plaintiff's Motion to Reconsider arguing that the Complaint sufficiently alleged that he was in imminent danger of serious physical injury. (ECF No. 5.) "A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the . . . court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law," Marlyn Nutraceuticals, Inc. v.

1 Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations marks
2 and citations omitted), and “[a] party seeking reconsideration must show more than a
3 disagreement with the Court’s decision, and recapitulation . . .” of that which was already
4 considered by the Court in rendering its decision. U.S. v. Westlands Water Dist., 134
5 F.Supp.2d 1111, 1131 (E.D. Cal. 2001).

6 The basis for Plaintiff’s Motion for Reconsideration is his disagreement with the
7 Court’s determination that his Complaint did not allege facts showing that he was in
8 imminent danger of serious physical injury at the time this action was filed. Plaintiff has not
9 shown clear error or other meritorious grounds for relief, and has therefore not met his
10 burden as the party moving for reconsideration. Marlyn Nutraceuticals, Inc., 571 F.3d at
11 880. Plaintiff’s disagreement with the Court’s ruling is not sufficient grounds for relief from
12 the order. Westlands Water Dist., 134 F.Supp.2d at 1131.

13 Accordingly, Plaintiff’s Motion for Reconsideration is DENIED with prejudice. This
14 case shall remain closed.

15 IT IS SO ORDERED.

16 **Dated:** March 31, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE