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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALPHEOUS E. GORDON,

Plaintiff,

v.

FRESNO COUNTY JAIL,

Defendant.

CASE NO. 1:11-cv-000216-OWW-SMS PC

ORDER DENYING PLAINTIFF’S MOTION

(ECF No. 11)

_____ /

Plaintiff Alpheous E. Gordon, is a federal prisoner proceeding pro se in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. Plaintiff filed this action on February 8, 2011. On February 15, 2011, an [order to show cause](#) why Plaintiff’s application to proceed in forma pauperis should not be denied issued and on March 28, 2011, Plaintiff’s application to proceed in forma pauperis was denied pursuant to 28 U.S.C. § 1915(g). (ECF Nos. 4, 7.) On April 21, 2011, Plaintiff filed an untitled [motion](#). (ECF No. 11.) Plaintiff requests the Court to grant the motion based on issues with his mail and meals.

To the extent that the motion is construed to be a motion for reconsideration, it is without merit. Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. The Rule permits a district court to relieve a party from a final order or judgment on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (3) fraud . . . of an adverse party, . . . or (6) any other reason justifying relief from the operation of the judgment.” Fed. R. Civ.

1 P. 60(b). Plaintiff's motion is devoid of any ground entitling Plaintiff to reconsideration of the
2 Court's order and is denied.

3 Accordingly, Plaintiff's motion, filed April 21, 2011, is HEREBY DENIED.

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5 IT IS SO ORDERED.

6 **Dated: May 2, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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