

1 file an amended complaint.

2 **2. Reconsideration**

3 Motions for reconsideration of a district court order are governed by Federal Rule of Civil
4 Procedure 60(b). The Rule permits a district court to relieve a party from a final order or
5 judgment on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; . . . (3) fraud .
6 . . . by an opposing party, . . . or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b).
7 The motion for reconsideration must be made within a reasonable time. Id. Rule 60(b)(6) “is to
8 be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only
9 where extraordinary circumstances . . .” exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir.
10 2008). The moving party “must demonstrate both injury and circumstances beyond his control . .
11 . . .” Id. Local Rule 230(j) requires Plaintiff to show “what new or different facts or circumstances
12 are claimed to exist which did not exist or were not shown upon such prior motion, or what other
13 grounds exist for the motion.” “A motion for reconsideration should not be granted, absent highly
14 unusual circumstances, unless the district court is presented with newly discovered evidence,
15 committed clear error, or if there is an intervening change in the controlling law,” and it “may not
16 be used to raise arguments or present evidence for the first time when they could reasonably have
17 been raised earlier in the litigation.” Marilyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.,
18 571 F.3d 873, 880 (9th Cir. 2009) (emphasis in original).

19 In Plaintiff’s motion for reconsideration, he simply restates his prior arguments and does
20 not present newly discovered evidence, clear error, or an intervening change in the law. Thus, the
21 Court denies Plaintiff’s motion to reconsider this Court’s order denying a temporary restraining
22 order and preliminary injunction. Accordingly,

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