

1 Local Rule 230(j) requires Plaintiff to show “what new or different facts or circumstances
2 are claimed to exist which did not exist or were not shown upon such prior motion, or what other
3 grounds exist for the motion.” “A motion for reconsideration should not be granted, absent
4 highly unusual circumstances, unless the district court is presented with newly discovered
5 evidence, committed clear error, or if there is an intervening change in the controlling law,” and it
6 “may not be used to raise arguments or present evidence for the first time when they could
7 reasonably have been raised earlier in the litigation.” Marilyn Nutraceuticals, Inc. v. Mucos
8 Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (emphasis in original).

9 Plaintiff requests reconsideration because he disagrees with the screening order finding
10 that his complaint failed to state a claim. Plaintiff has not shown newly discovered evidence,
11 error, or an intervening change in controlling law. Although Plaintiff cites another case in which
12 the court found that polluted drinking water was not a frivolous claim, in this instance, the
13 documents attached to Plaintiff’s complaints demonstrated that there was no danger due to the
14 minimal increase in the arsenic levels and when discovered prison officials took action in
15 response to the increase.

16 Accordingly, Plaintiff’s motion for reconsideration is DENIED.

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18 IT IS SO ORDERED.

19 Dated: September 6, 2013

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22 UNITED STATES MAGISTRATE JUDGE
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