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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CURLEY JOHN BROUSSARD, JR.,

CASE NO. 1:11-cv-001276-BAM PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

v.

LISA A. MUNOZ, et al.,

(ECF No. 19)

Defendants.

Plaintiff Curley John Broussard, Jr., is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 27, 2012, an order issued denying Plaintiff’s motion for a court order and granting him an extension of time to file an amended complaint. (ECF No. 18.) On September 6, 2012, Plaintiff filed a motion for reconsideration of the order denying his motion for a court order. (ECF No. 19.)

“A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law,” and it “may *not* be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations marks and citations omitted) (emphasis in original).

In this instance, Plaintiff’s complaint had been dismissed with leave to amend and the Court did not have before it an actual case or controversy conferring jurisdiction to order the relief Plaintiff requested. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley

1 Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471,  
2 102 S.Ct. 752, 757-58 (1982). Plaintiff does set forth any grounds for reconsideration of the order  
3 denying his motion for a court order. Accordingly, Plaintiff's motion for reconsideration, filed  
4 September 6, 2012, is HEREBY DENIED.

5 IT IS SO ORDERED.

6 **Dated: September 10, 2012**

7 /s/ **Barbara A. McAuliffe**

8 UNITED STATES MAGISTRATE JUDGE  
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