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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CURLEY JOHN BROUSSARD, JR.,

CASE NO. 1:11-cv-01276-BAM PC

Plaintiff,

ORDER DENYING MOTION FOR RECONSIDERATION AND DENYING PLAINTIFF’S REQUEST FOR AN EXTENSION OF TIME

v.

LISA A. MUNOZ, et al.,

(ECF No. 21)

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 10, 2012, Plaintiff’s complaint was dismissed with leave to amend within thirty days. (ECF No. 15.) Plaintiff filed a motion for a court order and requested a thirty day extension of time on August 22, 2012. (ECF No. 16.) On August 23, 2012, Plaintiff filed a first amended complaint. (ECF No. 17.) Plaintiff’s motion for reconsideration was denied and his request for an extension of time to file an amended complaint was granted on August 27, 2012. (ECF No. 18.) Plaintiff filed a motion for reconsideration of the order denying his request for a court order on September 6, 2012. (ECF No. 19.) On September 10, 2012, an order issued denying Plaintiff’s motion for reconsideration. (ECF No. 20.) On September 26, 2012, Plaintiff filed a second motion for reconsideration of the order denying his request for a court order and requested a thirty day extension of time. (ECF No. 21.)

“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

1 present evidence for the first time when they could reasonably have been raised earlier in the
2 litigation.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir.
3 2009) (internal quotations marks and citations omitted) (emphasis in original). Local Rule 230(j)
4 requires, in relevant part, that Plaintiff show “what new or different facts or circumstances are
5 claimed to exist which did not exist or were not shown upon such prior motion, or what other
6 grounds exist for the motion,” and “why the facts or circumstances were not shown at the time of
7 the prior motion.”

8 The Court has already denied one motion for reconsideration of the order denying Plaintiff’s
9 motion for a court order. Plaintiff has not set forth any grounds entitling him to reconsideration of
10 the order. Plaintiff’s complaint has been dismissed and there is no case or controversy before the
11 Court upon which the requested relief can be granted.

12 Plaintiff also requests a thirty day extension of the court deadline in this action. However,
13 there are currently no established deadlines in this action. Plaintiff’s amended complaint, filed on
14 August 23, 2012, is currently pending screening. Plaintiff’s motion for a thirty day extension of time
15 is denied.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff’s motion for reconsideration, filed September 26, 2012, is denied;
- 18 2. Any further motions for reconsideration of the denial of Plaintiff’s request for a court
19 order shall be stricken from the record; and
- 20 3. Plaintiff’s motion for a thirty day extension of time is denied.

21 IT IS SO ORDERED.

22 **Dated: September 27, 2012**

23 /s/ **Barbara A. McAuliffe**
24 UNITED STATES MAGISTRATE JUDGE
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