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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **GLENN W. BEVER,**

9 **Plaintiff**

10 **v.**

11 **CAL-WESTERN RECONVEYANCE**
12 **CORP., et al.,**

13 **Defendants**
14

CASE NO. 1:11-CV-1584 AWI SKO

**ORDER ON PLAINTIFF’S MOTION TO
ALTER OR AMEND AN ORDER AND
ORDER STRIKING AMENDED
OBJECTIONS**

(Doc. Nos. 129, 130)

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16 This is a mortgage related case brought by Plaintiff. On April 18, 2014, the Magistrate
17 Judge denied Plaintiff’s motions to amend. See Doc. No. 117. On April 30, 2014, Plaintiff filed
18 objections to the Magistrate Judge’s order. See Doc. No. 118. On May 8, 2014, the Court
19 overruled Plaintiff’s objections. See Doc. No. 123. On June 6, 2014, Plaintiff filed a Rule 59
20 motion to alter the Court’s order denying Plaintiff’s April 30 objections. See Doc. No. 129. Also
21 on June 6, 2014, Plaintiff filed an amendment to objections that Plaintiff filed on June 2, 2014 to a
22 Findings and Recommendation. See Doc. No. 130.

23 Federal Rule of Civil Procedure 59(e) provides a mechanism for a court to alter, amend, or
24 vacate a prior order. See Fed. R. Civ. Pro. 59(e); Hamid v. Price Waterhouse, 51 F.3d 1411, 1415
25 (9th Cir. 1994); Barber v. Hawaii, 42 F.3d 1185, 1198 (9th Cir.1994). “While Rule 59(e) permits
26 a district court to reconsider and amend a previous order, the rule offers an extraordinary remedy,
27 to be used sparingly in the interests of finality and conservation of judicial resources.” Carroll v.
28 Nakatani, 342 F.3d 934, 945 (9th Cir. 2003); Kona Enters. v. Estate of Bishop, 229 F.3d 877, 890-

1 91 (9th Cir. 2000). “A party seeking reconsideration must show more than a disagreement with
2 the Court’s decision, and recapitulation of the cases and arguments considered by the court before
3 rendering its original decision fails to carry the moving party’s burden.” United States v.
4 Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). “Rule 59(e) amendments are
5 appropriate if the district court (1) is presented with newly discovered evidence, (2) committed
6 clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in
7 controlling law.” Dixon v. Wallowa County, 336 F.3d 1013, 1022 (9th Cir. 2003); Kona Enters.,
8 229 F.3d at 890. This standard is a “high hurdle.” Weeks v. Bayer, 246 F.3d 1231, 1236 (9th Cir.
9 2001). Rule 59(e) motions “may not be used to raise arguments or present evidence for the first
10 time when they could reasonably have been raised earlier in the litigation.” Carroll, 342 F.3d at
11 945; Kona Enters., 229 F.3d at 890. Stated differently, Rule 59(e) “does not provide a vehicle for
12 a party to undo its own procedural failures [or] allow a party to introduce new evidence or advance
13 new arguments that could and should have been presented to the district court prior to the
14 judgment.” Dimarco-Zappa v. Cabanillas, 238 F.3d 25, 34 (1st Cir. 2001).

15 After considering Bever’s arguments, the Court will not alter or amend its May 8, 2014
16 order. The Court continues to find that the Magistrate Judge’s analysis in denying Plaintiff’s
17 motion to amend was correct. Although not exclusively, Plaintiff generally continues to reassert
18 previously rejected arguments, or express mere disagreement with the Court’s and the Magistrate
19 Judge’s conclusions. Plaintiff does not provide adequate reasons for the Court to reconsider or
20 alter its rulings. Plaintiff’s Rule 59 motion will be denied.

21 Additionally, the issues of whether any of Plaintiff’s proposed amended complaints will be
22 permitted, or whether the scheduling order will be amended, have been decided. The Court will
23 not entertain further motions or objections on these issues. This case proceeds against Citi on a
24 single claim, and is stayed as to Cal Western.

25 Finally, Plaintiff’s amended objections (Doc. No. 130) are not timely. The amended
26 objections relate to a Findings and Recommendation that was adopted on June 5, 2014. The time
27 to file amended objections is prior to the Court adopting the Findings and Recommendation.
28 Because the amended objections are untimely, they will be stricken.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's Rule 59(e) motion to alter or amend the Court's May 8, 2014 order (Doc. No. 129) is DENIED; and
2. Plaintiff's amended objections (Doc. No. 130) is STRICKEN from the docket.

IT IS SO ORDERED.

Dated: June 27, 2014



SENIOR DISTRICT JUDGE