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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
6

7 ROBIN GILLEN STARR,

8 Plaintiff,

9 vs.

10 CDCR,

11 Defendant.
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1:11-cv-02108-AWI-GSA-PC

ORDER DENYING MOTION FOR
RECONSIDERATION
(Docs. 101.)

13 **I. BACKGROUND**

14 Robin Gillen Starr (“Plaintiff”) is a state prisoner proceeding pro se and in forma
15 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On March 12, 2014, this
16 case was dismissed for failure to state a claim, and judgment was entered. (Docs. 93, 94.)

17 On April 10, 2014, Plaintiff filed objections which the court construes as a motion for
18 reconsideration of the court’s order dismissing this action. (Doc. 101.)

19 **II. MOTION FOR RECONSIDERATION**

20 Rule 60(b)(6) allows the Court to relieve a party from an order for any reason that
21 justifies relief. Rule 60(b)(6) “is to be used sparingly as an equitable remedy to prevent
22 manifest injustice and is to be utilized only where extraordinary circumstances . . .” exist.
23 Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and citation
24 omitted). The moving party “must demonstrate both injury and circumstances beyond his
25 control” Id. (internal quotation marks and citation omitted). In seeking reconsideration of
26 an order, Local Rule 230(k) requires Plaintiff to show “what new or different facts or
27 circumstances are claimed to exist which did not exist or were not shown upon such prior
28 motion, or what other grounds exist for the motion.”

1 "A motion for reconsideration should not be granted, absent highly unusual
2 circumstances, unless the district court is presented with newly discovered evidence, committed
3 clear error, or if there is an intervening change in the controlling law," Marlyn Nutraceuticals,
4 Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations
5 marks and citations omitted, and "[a] party seeking reconsideration must show more than a
6 disagreement with the Court's decision, and recapitulation . . ." of that which was already
7 considered by the Court in rendering its decision," U.S. v. Westlands Water Dist., 134
8 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). To succeed, a party must set forth facts or law of a
9 strongly convincing nature to induce the court to reverse its prior decision. See Kern-Tulare
10 Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal. 1986), affirmed in part and
11 reversed in part on other grounds, 828 F.2d 514 (9th Cir. 1987).

12 **Discussion**

13 Plaintiff's motion for reconsideration is haphazardly organized at best and is peppered
14 with incomplete sentences and legal citations, interspersed with insubstantial arguments.
15 Plaintiff has not set forth facts or law of a strongly convincing nature to induce the court to
16 reverse its prior decision. Therefore, Plaintiff's motion for reconsideration shall be denied.

17 **III. CONCLUSION**

18 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for
19 reconsideration, filed on April 10, 2014, is DENIED.

20 IT IS SO ORDERED.

21 Dated: April 18, 2014

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23 _____
24 SENIOR DISTRICT JUDGE