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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLYDE C. HELMS,
Plaintiff,
vs.
MARGARET MIMS, et al.,
Defendants.

1:12-cv-00897-GSA-PC
ORDER DENYING MOTION TO REOPEN
CASE
(Doc. 15.)
ORDER GRANTING REQUEST FOR
COPY OF DOCKET SHEET
ORDER FOR CLERK TO SEND
PLAINTIFF A COPY OF THE DOCKET
SHEET FROM THIS CASE

I. BACKGROUND

Clyde C. Helms (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on June 1, 2012. (Doc. 1.) On June 13, 2012, Plaintiff consented to the jurisdiction of a Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Doc. 5.) On August 23, 2012, the court issued an order dismissing Plaintiff’s Complaint for failure to state a claim, with leave to amend. (Doc. 9.) On August 30, 2012, Plaintiff filed the First Amended Complaint. (Doc. 10.) On April 19, 2013, after screening the First Amended Complaint, the undersigned issued an order dismissing the case, without leave to amend, based on Plaintiff’s failure to state a claim upon which relief may be granted, without prejudice to filing a new action addressing his claims against defendants Ruvalcaba and Aw. (Doc. 13.)

1 On August 12, 2013, Plaintiff filed a notice of change of address, a motion to reopen
2 this case, and a request for a copy of the docket sheet for this case. (Doc. 15.)

3 **II. MOTION FOR RECONSIDERATION**

4 The Court has discretion to reconsider and vacate a prior order. Barber v. Hawaii, 42
5 F.3d 1185, 1198 (9th Cir. 1994); United States v. Nutri-cology, Inc., 982 F.2d 394, 396 (9th
6 Cir. 1992). Motions to reconsider are committed to the discretion of the trial court. Combs v.
7 Nick Garin Trucking, 825 F.2d 437, 441 (D.C. Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460
8 (9th Cir. 1983) (en banc). Motions for reconsideration are disfavored, however, and are not the
9 place for parties to make new arguments not raised in their original briefs. Zimmerman v. City
10 of Oakland, 255 F.3d 734, 740 (9th Cir. 2001); Northwest Acceptance Corp. v. Lynnwood
11 Equip., Inc., 841 F.2d 918, 925-26 (9th Cir. 1988). Nor is reconsideration to be used to ask the
12 court to rethink what it has already thought. Walker v. Giurbino, 2008 WL 1767040, *2
13 (E.D.Cal. 2008). To succeed, a party must set forth facts or law of a strongly convincing nature
14 to induce the court to reverse its prior decision. See Kern-Tulare Water Dist. v. City of
15 Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal. 1986), affirmed in part and reversed in part on
16 other grounds, 828 F.2d 514 (9th Cir. 1987). When filing a motion for reconsideration, Local
17 Rule 230(j) requires a party to show the “new or different facts or circumstances claimed to
18 exist which did not exist or were not shown upon such prior motion, or what other grounds
19 exist for the motion.” L.R. 230(j).

20 **Plaintiff’s Motion**

21 Plaintiff requests the court to send him a copy of the docket sheet for this case and
22 reopen the case. Plaintiff asserts that between January 2013 and June 2013, he was moved to
23 the county jail in Lerdo, then to a correctional facility in California City, then to Prumb, and
24 then to FCI-Sheridan, his current place of incarceration. Plaintiff requests the court to reopen
25 the case “if, by chance, due to my inability to respond to anything related to this matter, [] the
26 court has dismissed this action for lack of response.” Motion, Doc. 15.

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