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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5
6 SUSAN MAE POLK,) 1:12-cv-01094-LJO- BAM (PC)
7 Plaintiff,)
8 v.) ORDER DENYING PLAINTIFF’S
9 GODINA, et al.,) REQUEST FOR PERMISSION TO FILE
10 Defendants.) MOTION FOR RECONSIDERATION
11) (ECF No. 16)
12)

13 **I. Background**

14 Plaintiff Susan Mae Polk (“Plaintiff”) is a state prisoner proceeding pro se in this civil
15 rights action filed pursuant to [42 U.S.C. § 1983](#). On November 26, 2012, Plaintiff filed an
16 application for temporary restraining order and/or preliminary injunction to require Defendant
17 Matthew Cate and prison officials at California Institution for Women (“CIW”) to provide her
18 access to her legal materials. (ECF No. 10.) On November 28, 2012, the Magistrate Judge
19 issued findings and recommendations that Plaintiff’s motion for preliminary injunction be
20 denied. The Magistrate Judge determined as follows: (1) Plaintiff could not state a claim against
21 Defendant Matthew Cate in his supervisory position with the California Department of
22 Corrections of Rehabilitation; and (2) Plaintiff did not have standing to pursue injunctive relief
23 against prison officials at CIW because her claims in this action related solely to prison officials
24 at Valley State Prison for Women. (ECF No. 11.)

25 On December 10, 2012, Plaintiff filed objections to the findings and recommendations.
26 Plaintiff raised arguments challenging the Magistrate Judge’s determinations regarding
27 supervisory liability and standing. (ECF No. 13. pp. 3-6.)
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1 Following consideration of Plaintiff's objections, the Court adopted the findings and
2 recommendations in full on December 12, 2012. (ECF No. 15.)

3 On December 26, 2012, Plaintiff filed the instant motion requesting permission to file a
4 motion for reconsideration. (ECF No. 16.) The Court construes Plaintiff's motion as one for
5 reconsideration.

6 **II. Discussion**

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

14 Plaintiff does not argue that newly discovered evidence or an intervening change of the
15 law requires reconsideration. Instead, Plaintiff again argues that she has stated a claim against
16 Defendant Cate based on his supervisory position and that she has standing to pursue her
17 injunctive relief against officials at CIW. (ECF No. 16, pp. 3-4.) Plaintiff's continued assertions
18 reflect a mere disagreement with the findings of the Court. This is not sufficient to grant a
19 motion for reconsideration.

20 **III. Conclusion and Order**

21 For the reasons stated, it is HEREBY ORDERED that Plaintiff's motion for
22 reconsideration, filed December 26, 2012, is DENIED.

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25 IT IS SO ORDERED.

26 Dated: May 15, 2013

/s/ Lawrence J. O'Neill
27 UNITED STATES DISTRICT JUDGE