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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 SUSAN MAE POLK,

9 Plaintiff,

10 vs.

11 MARY LATTIMORE, et al.,

12 Defendants.
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1:12-cv-01156-AWI-GSA-PC

ORDER DENYING MOTION FOR
RECONSIDERATION
(Doc. 63.)

14 **I. RELEVANT PROCEDURAL HISTORY**

15 Susan Mae Polk (“Plaintiff”) is a prisoner proceeding pro se in this civil rights action
16 pursuant to 42 U.S.C. § 1983. On April 3, 2015, the undersigned issued an order addressing
17 Plaintiff’s objections to the Magistrate Judge’s orders. (Doc. 60.) On April 13, 2015, Plaintiff
18 filed objections to the April 3, 2015 order, which the court construes as a motion for
19 reconsideration of the order. (Doc. 63.)

20 **II. MOTION FOR RECONSIDERATION**

21 Rule 60(b) allows the Court to relieve a party from an order for “(1) mistake,
22 inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with
23 reasonable diligence, could not have been discovered in time to move for a new trial under
24 Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
25 misconduct by an opposing party; (4) the judgment is void; or (6) any other reason that justifies
26 relief.” Fed. R. Civ. P. 60(b). Rule 60(b)(6) “is to be used sparingly as an equitable remedy to
27 prevent manifest injustice and is to be utilized only where extraordinary circumstances . . .”
28 exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and

1 citation omitted). The moving party “must demonstrate both injury and circumstances beyond
2 his control” Id. (internal quotation marks and citation omitted). In seeking
3 reconsideration of an order, Local Rule 230(k) requires Plaintiff to show “what new or different
4 facts or circumstances are claimed to exist which did not exist or were not shown upon such
5 prior motion, or what other grounds exist for the motion.”

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

17 Here, Plaintiff has not set forth facts or law of a strongly convincing nature in her
18 motion for reconsideration to induce the court to reverse its prior decision. Therefore, the
19 motion for reconsideration shall be denied.

20 **III. CONCLUSION**

21 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s motion for
22 reconsideration, filed on April 13, 2015, is DENIED.

23 IT IS SO ORDERED.

24 Dated: April 21, 2015

25 
26 SENIOR DISTRICT JUDGE