

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDWARD POWELL,

Plaintiff,

vs.

MADDEN, *et al.*,

Defendants.

Case No. 1:13-cv-00057-RRB

ORDER REGARDING
MOTION AT DOCKET 31

At **Docket 31** Plaintiff Tony Edward Powell, a federal prisoner appearing *pro se*, filed a document entitled “Petition for Reconsideration.” It appears that Powell seeks reconsideration of the Court’s Order denying his “Petition for Leave, Permitting Plaintiff’s Response to Defendant’s Answer to Complaint.”¹ It is unclear from Powell’s document on what procedural basis that relief is sought or, for that matter, precisely what relief he requests.² As long as a district court retains jurisdiction over a case, however, it has inherent power to reconsider and modify an interlocutory order for sufficient cause.³ That inherent power is not unfettered: a court may depart from the law of the case doctrine where: “(1) the decision is clearly erroneous and its enforcement would work a manifest

¹ Docket 30.

² Although, as Powell notes, this Court incorrectly referred to him as a “state” instead of a “federal” prisoner, that error made no difference in the resolution of Powell’s motion.

³ *City of Los Angeles, Harbor Div. v. Santa Monica*, 254 F.3d 882, 885 (9th Cir. 2001).

injustice, (2) intervening controlling authority makes reconsideration appropriate, or (3) substantially different evidence was adduced at a subsequent trial.”⁴ Because, as presently constituted, as was the defect in his earlier motion, Powell’s motion does not satisfy the requirements for summary disposition,⁵ Powell does not meet the criteria for reconsideration.

This Court reiterates that it will consider the matters that may be properly submitted to it for determination pre-trial when presented as provided in the Federal Rules of Civil Procedure.⁶ Accordingly, the document entitled “Petition for Reconsideration” at **Docket 31** is **DENIED**.

IT IS SO ORDERED this 22nd day of January, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

⁴ *Jeffries v. Wood*, 114 F.3d 1484, 1489 (9th Cir. 1997) (en banc) (footnote and internal quotes omitted); see *Leslie Salt Co. v. United States*, 55 F.3d 1388, 1393 (9th Cir. 1995); *School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

⁵ See, e.g., Fed. R. Civ. P. 12(c) (judgment on the pleadings), 56 (summary judgment).

⁶ *Id.*