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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARTHUR TORLUCCI,

CASE NO. 1:13-cv-00423-SKO PC

Plaintiff,

ORDER DENYING MOTION TO ALTER OR
AMEND JUDGMENT AND DENYING
MOTION FOR INJUNCTIVE RELIEF, WITH
PREJUDICE

v.

USA, et al.,

(Docs. 18 and 19)

Defendants.

Plaintiff Arthur Torlucci, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 22, 2013. On April 30, 2013, this action was dismissed, with prejudice, for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915A. On May 31, 2013, Plaintiff filed a motion to alter or amend judgment under Federal Rule of Civil Procedure 59 and a motion seeking injunctive relief.

Rule 59 provides for relief from judgment following trial. This matter was dismissed prior to trial and therefore, Plaintiff’s reliance on Rule 59 is misplaced.¹ Fed. R. Civ. P. 59(a). Plaintiff’s motion is denied.

Plaintiff has no standing to seek injunctive relief in this closed case; there is no justiciable case or controversy before the Court. *E.g., Summers v. Earth Island Institute*, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009); *Davis v. Federal Election Com’n*, 554 U.S. 724, 733-34, 128 S.Ct. 2759 (2008); *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 103-04, 118 S.Ct. 1003 (1998); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130 (1992). Plaintiff’s motion is denied.

¹ Plaintiff’s motion for reconsideration under Federal Rule of Civil Procedure 60 was previously considered and denied, with prejudice.

1 Based on the foregoing, Plaintiff's motion to alter or amend judgment and Plaintiff's motion
2 for injunctive relief, filed on May 31, 2013, are HEREBY DENIED, with prejudice. **As Plaintiff**
3 **was previously informed, any further recourse must be sought from the appellate court**
4 **through the filing of a notice of appeal.**

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7 IT IS SO ORDERED.

8 **Dated: June 13, 2013**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE