

1 of: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence . . . ; (3)
2 fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied . . . or (6)
3 any other reason justifying relief from the operation of the judgment.” Fed. R. Civ. P. 60(b). A
4 motion under Rule 60(b) must be made within a reasonable time, in any event “not more than one year
5 after the judgment, order, or proceeding was entered or taken.” Id.

6 Moreover, when filing a motion for reconsideration, Local Rule 230(j) requires a party to show
7 the “new or different facts or circumstances claimed to exist which did not exist or were not shown
8 upon such prior motion, or what other grounds exist for the motion.” Motions to reconsider are
9 committed to the discretion of the trial court. Combs v. Nick Garin Trucking, 825 F.2d 437, 441
10 (D.C.Cir. 1987); Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc). To succeed, a party
11 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
12 decision. See, e.g., Kern-Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D.Cal.
13 1986), *aff’d in part and rev’d in part on other grounds*, 828 F.2d 514 (9th Cir. 1987).

14 Here, Petitioner failed to meet the requirements for granting a motion for reconsideration: He
15 has not shown “mistake, inadvertence, surprise, or excusable neglect;” he has certainly not shown the
16 existence of either newly discovered evidence or fraud; he has not established that the judgment is
17 either void or satisfied; and, finally, Petitioner has not presented any other reasons justifying relief from
18 judgment. Moreover, pursuant to the Court’s Local Rules, Petitioner has not shown “new or different
19 facts or circumstances claimed to exist *which did not exist or were not shown upon such prior motion*,
20 or what other grounds exist for the motion.” Local Rule 230(j). (Emphasis supplied).

21 Indeed, Petitioner’s grounds for reconsideration can be summarized as ineffective assistance of
22 his trial, appellate, and collateral action attorneys; fraud and misrepresentation by the prosecution; and
23 the existence of exculpatory evidence in the possession of the prosecutor. None of these grounds and
24 contentions, however, are new; indeed, all of them were raised in the original petition and considered
25 by the Court in its December 12, 2013 dismissal order.

26 In sum, Petitioner has provided no evidence or circumstances that would satisfy the
27 requirements of Rule 60(b), and therefore his motion for reconsideration must be denied.

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ORDER

Accordingly, it is HEREBY ORDERED that Petitioner's motion for reconsideration (Doc. 21),
is DENIED.

IT IS SO ORDERED.

Dated: January 8, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE