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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **HUGO LUA,**

6 **Plaintiff,**

7 **v.**

8 **O. SMITH, et al.,**

9 **Defendants.**

**1:14-cv-19-LJO-MJS**

**ORDER RE PLAINTIFF'S MOTION  
FOR RECONSIDERATION (Doc. 29)**

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11 On September 30, 2015, the Court dismissed Plaintiff's complaint without leave to amend and  
12 closed the case. Doc. 22. Approximately three months later, Plaintiff appealed the Court's order to the  
13 United States Court of Appeals for the Ninth Circuit. Docs. 24, 25. The Ninth Circuit dismissed the case  
14 for lack of jurisdiction because Plaintiff's notice of appeal was untimely. *See* Doc. 27.

15 On March 21, 2016, Plaintiff filed a motion for reconsideration of the Court's September 30,  
16 2015 order. *See* Doc. 29. Although so styled, Plaintiff's motion is directed to the Ninth Circuit—he  
17 argues that his appeal should not have been dismissed as untimely. *See id.* at 1. Plaintiff's motion should  
18 have been filed in the Ninth Circuit, not this Court, which has no authority to alter the decisions of the  
19 Ninth Circuit. Accordingly, Plaintiff's motion for reconsideration (Doc. 29) is DENIED.

20  
21 IT IS SO ORDERED.

22 Dated: April 1, 2016

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