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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 RICK HAZELTINE,

12 Plaintiff,

13 vs.

14 FRANCES HICKS, et al.,

15 Defendants.  
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1:14-cv-00056-DAD-GSA-PC

ORDER DENYING REQUEST FOR  
RECONSIDERATION  
(ECF No. 67.)

18 **I. RELEVANT PROCEDURAL HISTORY**

19 Rick Hazeltine (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis  
20 with this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds with  
21 Plaintiff’s First Amended Complaint filed on July 6, 2015, on the following claim: Excessive  
22 force in violation of the Fourteenth Amendment against Defendants Ian Young, Benjamin  
23 Gamez, Rashaun Casper, Julius Oldan, Porfirio Sanchez Negrete, David Avilia, Rickey Smith,  
24 and Charles Ho (collectively “Defendants”). (ECF No. 27.)

25 On February 13, 2017, the Court issued an order denying Plaintiff’s motion to declare a  
26 conflict of interest with the Office of the California Attorney General. (ECF No. 66.) On  
27 February 24, 2017, Plaintiff filed objections to the Court’s order, which the Court construes as  
28 a motion for reconsideration of the order. (ECF No. 67.)

1 **II. MOTION FOR RECONSIDERATION**

2 Rule 60(b) allows the Court to relieve a party from an order for “(1) mistake,  
3 inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with  
4 reasonable diligence, could not have been discovered in time to move for a new trial under  
5 Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or  
6 misconduct by an opposing party; (4) the judgment is void; or (6) any other reason that justifies  
7 relief.” Fed. R. Civ. P. 60(b). Rule 60(b)(6) “is to be used sparingly as an equitable remedy to  
8 prevent manifest injustice and is to be utilized only where extraordinary circumstances . . .”  
9 exist. Harvest v. Castro, 531 F.3d 737, 749 (9th Cir. 2008) (internal quotations marks and  
10 citation omitted). The moving party “must demonstrate both injury and circumstances beyond  
11 his control . . . .” Id. (internal quotation marks and citation omitted). In seeking  
12 reconsideration of an order, Local Rule 230(k) requires Plaintiff to show “what new or different  
13 facts or circumstances are claimed to exist which did not exist or were not shown upon such  
14 prior motion, or what other grounds exist for the motion.”

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

26 Here, Plaintiff has not set forth facts or law of a strongly convincing nature in his  
27 motion for reconsideration to induce the Court to reverse its prior decision. Therefore, the  
28 motion for reconsideration shall be denied. Moreover, no further objections or motions for

1 reconsideration concerning Plaintiff's motion to declare a conflict of interest (ECF No. 47)  
2 shall be considered by the Court.

3 **III. CONCLUSION**

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion for reconsideration, filed on February 24, 2017, is DENIED;
- 6 and
- 7 2. No further objections or motions for reconsideration concerning Plaintiff's
- 8 motion to declare a conflict of interest (ECF No. 55) shall be considered by the
- 9 Court.

10 IT IS SO ORDERED.

11 Dated: February 27, 2017

12 /s/ Gary S. Austin  
13 UNITED STATES MAGISTRATE JUDGE