



1                   **II.     LEGAL STANDARD**

2                   Federal Rule of Civil Procedure 60(b)(1) allows the Court to relieve a party from  
3 an order due to “mistake, inadvertence, surprise, or excusable neglect.” In seeking  
4 reconsideration of an order, Local Rule 230(j) requires a party to show “what new or  
5 different facts or circumstances are claimed to exist which did not exist or were not  
6 shown upon such prior motion, or what other grounds exist for the motion.”

7                   “A motion for reconsideration should not be granted, absent highly unusual  
8 circumstances, unless the . . . court is presented with newly discovered evidence,  
9 committed clear error, or if there is an intervening change in the controlling law,” *Marlyn*  
10 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009),  
11 and “[a] party seeking reconsideration must show more than a disagreement with the  
12 Court’s decision, and ‘recapitulation . . .’” of that which was already considered by the  
13 court in rendering its decision. *U.S. v. Westlands Water Dist.*, 134 F.Supp.2d 1111,  
14 1131 (E.D. Cal. 2001) (*quoting Birmingham v. Sony Corp. of Am., Inc.*, 820 F. Supp.  
15 834, 856 (D. N.J. 1992)).

16                   **III.     ANALYSIS**

17                   Plaintiff seeks reconsideration of this Court’s order dismissing his case on statute  
18 of limitations grounds. Plaintiff submits numerous medical records to support his  
19 position that the statute of limitations period should be tolled due to his mental illness  
20 and/or incapacity.

21                   Defendants contend that Plaintiff has not cited any new authority that would  
22 warrant reconsideration of this Court’s order.

23                   Plaintiff is represented by counsel in this action. (ECF No. 13.) Unless and until  
24 Plaintiff’s counsel files a motion to withdrawal, Plaintiff may not file motions on his own  
25 behalf. Plaintiff’s motion is improper and will therefore be STRICKEN.

26                   Even if properly filed, Plaintiff has not presented a basis for reconsideration. The  
27 Court noted in its ruling granting Defendant’s motion to dismiss that even if Plaintiff had  
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submitted the necessary medical records to support his argument at the time, it would not change the Court's ruling.

**IV. CONCLUSION AND ORDER**

Based on the foregoing, Plaintiff's motion for reconsideration (ECF No. 27) is  
HEREBY STRICKEN.

IT IS SO ORDERED.

Dated: April 21, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE