

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON TAYLOR,

Plaintiff,

VS.

NORM KRAMER, et al.,

## Defendants.

1:14-cv-00939-AWI-GSA-PC

ORDER DENYING MOTION FOR  
RECONSIDERATION  
(Doc. 44.)

## I. RELEVANT PROCEDURAL HISTORY

Jason Taylor (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff and fifteen co-plaintiffs filed the Complaint commencing this action on June 18, 2014. (Doc. 1.) On September 26, 2014, the court issued an order severing the plaintiffs’ claims and opening fifteen new cases, one for each of the fifteen co-plaintiffs. (Doc. 41.) Plaintiff Jason Taylor is now the sole Plaintiff proceeding with this case.

On July 10, 2014, before the plaintiffs' claims were severed, the court issued an order denying the plaintiffs' motion for appointment of counsel, (Doc. 21), and on July 17, 2014, issued an order denying the plaintiffs' request to proceed as a class action, (Doc. 22). On

1 November 17, 2014, Plaintiff and the fifteen former co-plaintiffs filed a motion for  
2 reconsideration of the orders denying appointment of counsel and denying class action  
3 certification. (Doc. 44.)

4 **II. MOTION FOR RECONSIDERATION**

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

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

The plaintiffs have not set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decisions. Therefore, the motion for reconsideration shall be denied.

### III. CONCLUSION

Based on the foregoing, IT IS HEREBY ORDERED that the plaintiffs' motion for reconsideration, filed on November 17, 2014, is DENIED.

IT IS SO ORDERED.

Dated: November 24, 2014

/s/ Gary S. Austin

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UNITED STATES MAGISTRATE JUDGE