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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE J. PULIDO,

12 Plaintiff,

13 vs.

14 M. LUNES, et al.,

15 Defendants.
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1:14-cv-01174-GSA-PC

ORDER DENYING MOTION FOR
RECONSIDERATION
(Doc. 10.)

20 **I. RELEVANT PROCEDURAL HISTORY**

21 Jose J. Pulido ("Plaintiff") is a state prisoner, proceeding pro se and in forma pauperis
22 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
23 commencing this action on July 28, 2014. (Doc. 1.) On August 15, 2014, Plaintiff consented
24 to the jurisdiction of a Magistrate Judge in this action pursuant to 28 U.S.C. § 636(c), and no
25 other parties have made an appearance. (Doc. 7.) Therefore, pursuant to Appendix A(k)(4) of
26 the Local Rules of the Eastern District of California, the undersigned shall conduct any and all
27 proceedings in the case until such time as reassignment to a District Judge is required. Local
28 Rule Appendix A(k)(3).

1 On March 13, 2015, Plaintiff filed a motion for reconsideration of the court's orders
2 denying Plaintiff's motion for appointment of counsel and motion for preliminary injunctive
3 relief. (Doc. 10.)

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).

1 Here, Plaintiff has not set forth facts or law of a strongly convincing nature in his
2 motion for reconsideration to induce the court to reverse its prior decisions. Therefore, the
3 motion for reconsideration shall be denied.

4 **III. CONCLUSION**

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for
6 reconsideration, filed on March 13, 2015, is DENIED.

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8 IT IS SO ORDERED.

9 Dated: March 17, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE