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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**

9 NICOLAS MORAN, ) Case No.: 1:14-cv-01487-SAB (PC)  
10 )  
11 Plaintiff, ) ORDER DENYING PLAINTIFF’S REQUEST FOR  
12 v. ) RECONSIDERATION OF HIS DUE PROCESS  
13 A. OLA, et al., ) CLAIM PURSUANT TO FEDERAL RULE OF  
14 Defendants. ) CIVIL PROCEDURE 60  
15 ) [ECF No. 23]  
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16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. §  
17 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c). (ECF  
18 No. 6.)

19 On September 7, 2017, following several attempts by Plaintiff to state a claim, this action was  
20 dismissed for the failure to state a claim upon which relief may be granted. (ECF No. 21.) Judgment  
21 was entered accordingly that same day. (ECF No. 22.)

22 Currently before the Court is Plaintiff’s motion seeking reconsideration of the final order in  
23 this matter pursuant to Federal Rule of Civil Procedure 60, filed on September 28, 2017. (ECF No.  
24 23.)

25 Rule 60(b)(6) allows the Court to relieve a party from an order for any reason that justifies  
26 relief. Rule 60(b)(6) “is to be used sparingly as an equitable remedy to prevent manifest injustice and  
27 is to be utilized only where extraordinary circumstances . . . ” exist. Harvest v. Castro, 531 F.3d 737,  
28 749 (9th Cir. 2008) (internal quotations marks and citation omitted). In seeking reconsideration of an

1 order, Local Rule 230(j) requires a party to show “what new or different facts or circumstances are  
2 claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds  
3 exist for the motion.” Reconsideration motions are committed to the discretion of the trial court.  
4 Rodgers v. Watt, 722 F.2d 456, 460 (9th Cir. 1983) (en banc); Combs v. Nick Garin Trucking, 825  
5 F.2d 437, 441 (D.C. Cir. 1987). A party seeking reconsideration must set forth facts or law of a  
6 strongly convincing nature to induce the court to reverse a prior decision. See, e.g., Kern-Tulare  
7 Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal. 1986), rev’d in part on other  
8 grounds, 828 F.2d 514 (9th Cir. 1987).

9 Plaintiff argues that he sufficiently pleaded a due process violation because as a result of not  
10 having a fair hearing, he has been “deprived of his so needed pain medication. . . .” (ECF No. 23, at p.  
11 4.) As was explained to Plaintiff, the deprivation of his preferred narcotic pain medication is not a  
12 protected liberty interest under the Due Process Clause. In other words, to bring a claim that Plaintiff  
13 was not provided sufficient procedural protections with regards to the allegedly false charges of  
14 medication hoarding, Plaintiff must establish that a protected interest was at stake. Plaintiff has failed  
15 to do so here. Plaintiff’s motion does not show any error, change in the law, or new circumstances  
16 requiring the Court to reconsider its prior rulings in this case.

17 Accordingly, Plaintiff’s motion for reconsideration (ECF No. 23) is HEREBY DENIED.

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19 IT IS SO ORDERED.

20 Dated: October 3, 2017

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22 UNITED STATES MAGISTRATE JUDGE  
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