

1 *States v. Westlands Water Dist.*, 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001) (internal citations
2 omitted). “To succeed, a party must set forth facts or law of a strongly convincing nature to induce the
3 court to reverse its prior decision.” *Id.*

4 Reconsideration is appropriate if the court: (1) is presented with newly discovered evidence; (2)
5 has committed clear error or the initial decision was manifestly unjust; or (3) is presented with an
6 intervening change in controlling law. *School District 1J, Multnomah County v. AC and S, Inc.*, 5 F.3d
7 1255, 1263 (9th Cir. 1993), cert. denied, 512 U.S. 1236 (1994). In addition, there may be other highly
8 unusual circumstances warranting reconsideration. *Id.* Under this Court’s Local Rule 230(j), a party
9 seeking reconsideration must demonstrate “what new or different facts or circumstances are claimed to
10 exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the
11 motion” and “why the facts or circumstances were not shown at the time of the prior motion.”

12 Here, Plaintiff does not present any new facts or legal theories. Although he previously
13 asserted that he did not receive a copy of the motion to dismiss from the defendant, the Court noted the
14 “Defendant filed a proof of service indicating the motion to dismiss was served on Plaintiff by mail on
15 July 23, 2015.” (Doc. 31 at 1, citing Doc. 27-1 at 1) While Plaintiff asserts he did not receive it, this
16 error may lie with the United States Post Office. Moreover, Plaintiff must have received notice of the
17 motion because he filed a timely opposition to it. (*See* Doc. 29)

18 Because Plaintiff has not demonstrated the Court committed a clear error or that its ruling on
19 the motion the motion to strike was manifestly unjust, Plaintiff fails to show reconsideration is
20 appropriate. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s motion for reconsideration
21 (Doc. 35) is **DENIED**.

22
23 IT IS SO ORDERED.

24 Dated: August 14, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE