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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

Plaintiff,

v.

DAVEY, et al.,

Defendants.

Case No. 1:16-cv-00399 LJO DLB PC

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

(Document 23)

Plaintiff Stewart Manago (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action on March 24, 2016. Findings and Recommendations finding cognizable claims are pending.

On April 29, 2016, Plaintiff filed a motion for a special hearing, asking that the Court set a hearing for May 6, 2016, where the named Defendants would testify “in order to prove that [they] were involved in a criminal conspiracy, to violate [Plaintiff’s] civil rights. . .” ECF No. 17, at 10.

The Court denied the motion on May 4, 2016. In the denial, the Court explained that it was premature to gather evidence relating to the merits of Plaintiff’s claims.

As he has done on prior occasions, Plaintiff filed a motion to reconsider the order on May 12, 2016.

“A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if

1 there is an intervening change in the controlling law,” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma*
2 *GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (internal quotations marks and citations omitted),
3 and “[a] party seeking reconsideration must show more than a disagreement with the Court’s
4 decision, and recapitulation . . . ” of that which was already considered by the Court in rendering its
5 decision,” *U.S. v. Westlands Water Dist.*, 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001) (internal
6 quotation marks and citation omitted). When filing a motion for reconsideration, Local Rule 230(j)
7 requires a party to show the “new or different facts or circumstances claimed to exist which did not
8 exist or were not shown upon such prior motion, or what other grounds exist for the motion.”

9 Plaintiff requests that the Court stay his motion for a special hearing until Defendants appear
10 in this action. However, the Court has already ruled on the motion, and Plaintiff’s request is not
11 grounds for reconsideration. Plaintiff may refile the motion when he deems it appropriate.

12 Plaintiff’s motion for reconsideration is therefore DENIED.
13 IT IS SO ORDERED.

14 Dated: May 20, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE