

1 screening order.¹ (ECF No. 25).

2 Federal Rule of Civil Procedure 60(b) governs grounds for relief from an order:

3 On motion and just terms, the court may relieve a party or its legal
4 representative from a final judgment, order, or proceeding for the
5 following reasons: (1) mistake, inadvertence, surprise, or excusable
6 neglect; (2) newly discovered evidence that, with reasonable
7 diligence, could not have been discovered in time to move for a
8 new trial under Rule 59(b); (3) fraud (whether previously called
9 intrinsic or extrinsic), misrepresentation, or misconduct by an
opposing party; (4) the judgment is void; (5) the judgment has been
satisfied, released, or discharged; it is based on an earlier judgment
that has been reversed or vacated; or applying it prospectively is no
longer equitable; or (6) any other reason that justifies relief.

10 Fed. R. Civ. P. 60(b).

11 Plaintiff has failed to show any of the above-mentioned reasons. Plaintiff describes
12 various facts he believes the Court overlooked, and includes legal standards Plaintiff apparently
13 believes the Court should have considered but did not. However, the Court has reviewed
14 Plaintiff's motion, its screening order, and the Third Amended Complaint, and the Court did not
15 overlook any factual allegations in the Third Amended Complaint or make a mistake regarding
16 the applicable legal standards or their application.

17 Plaintiff's motion also includes additional factual allegations, a declaration, and a new
18 claim. Plaintiff's motion specifies what property was taken from him, and has attached as Exhibit
19 A a declaration from inmate David Haring that describes what David Haring saw in regards to
20 Plaintiff's property being taken. Additionally, Plaintiff's motion attempts to assert a new claim
21 for conspiracy.

22 A motion for reconsideration is not the appropriate way to add factual allegations and a
23 new claim to a complaint. If Plaintiff wishes to add additional factual allegations and a claim for
24 conspiracy to his complaint, he needs to file a motion for leave to amend his complaint.

25 The Court notes that if Plaintiff does file a motion for leave to amend his complaint, and if
26 the Court grants that motion, the amended complaint will be screened in due course. This may

27 ¹ Plaintiff filed his motion under Federal Rule of Civil Procedure 59(e), but no judgment has been
28 entered in this case.

1 result in delay to the claims already found cognizable.

2 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's motion for
3 reconsideration is DENIED.

4
5 IT IS SO ORDERED.

6 Dated: May 10, 2017

/s/ Eric P. Gray
7 UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28