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3 **UNITED STATES DISTRICT COURT**  
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **SEAVON PIERCE,**

6 **Plaintiff,**

7 **v.**

8 **THE U.S. GOVERNMENT AND ITS**  
9 **OFFICERS AS FEDERAL JUDGES, et al.,**

10 **Defendants.**

**1:16-cv-1361-LJO-BAM**

**MEMORANDUM DECISION AND  
ORDER RE PLAINTIFF'S MOTION  
FOR RECONSIDERATION (Doc. 5)**

11  
12 The Court recently denied Plaintiff Seavon Pierce's motion to proceed in forma pauperis and  
13 dismissed this case subject to re-filing accompanied by the \$400.00 filing fee. Doc. 3. Plaintiff now  
14 moves for reconsideration of that order.

15 The motion for reconsideration is governed by Rule 60 of the Federal Rules of Civil Procedure  
16 and Rule 230 of the Local Rules of the United States District Court, Eastern District of California. Rule  
17 60(b)(6) allows the Court to relieve a party from an order for any reason that justifies relief. Rule  
18 60(b)(6) "is to be used sparingly as an equitable remedy to prevent manifest injustice and is to be  
19 utilized only where extraordinary circumstances . . . exist." *Harvest v. Castro*, 531 F.3d 737, 749 (9th  
20 Cir. 2008) (internal quotation marks omitted). The moving party "must demonstrate both injury and  
21 circumstances beyond his control." *Id.* (internal quotation marks and citation omitted). In seeking  
22 reconsideration of an order, Local Rule 230(j) requires Plaintiff to show "what new or different facts or  
23 circumstances are claimed to exist or were not shown upon such prior motion, or what other grounds  
24 exist for the motion."

25 "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 there is  
an intervening change in controlling law." *Marlyn Nutraceuticals, Inc., v. Mucos Pharma GmbH & Co.*,

1 571 F.3d 873, 880 (9th Cir. 2009) (internal quotation marks and citations omitted), and “[a] party  
2 seeking reconsideration must show more than a disagreement with the court’s decision, and  
3 recapitulation . . . of that which was already considered by the court in rendering its decision.” *United*  
4 *States v. Westlands Water Dist.*, 134 F. Supp. 2d 1111, 1131 (E.D. Cal. 2001). To succeed, a party must  
5 set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision. *See*  
6 *Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 646, 665 (E.D. Cal. 1986), *rev’d on other*  
*grounds*, 828 F.2d 514 (9th Cir. 1987).

7 Plaintiff’s motion is DENIED. Plaintiff has made no showing that would justify reconsideration  
8 of the Court’s order.

9  
10 IT IS SO ORDERED.

11 Dated: October 5, 2016

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