

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SONNY BARGER II,
aka GARY FRANCIS FISHER,
aka GARY DALE BARGER,

Plaintiff,

VS.

KERN COUNTY SUPERIOR COURT,
et al.,

Defendants.

1:17-cv-00424-AWI-GSA-PC

ORDER DENYING MOTION FOR
RECONSIDERATION
(ECF No. 10.)

Sonny Barger II, aka Gary Francis Fisher, aka Gary Dale Barger (“Plaintiff”), is a state prisoner who filed this 42 U.S.C. § 1983 civil rights case *pro se*. On February 24, 2017, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On April 7, 2016, this case was dismissed under 29 U.S.C. § 1915(g), without prejudice to refiling with payment of the filing fee. (ECF No. 8.) Judgment was entered the same day. (ECF No. 9.) On April 10, 2017, Plaintiff filed a motion for reconsideration of the dismissal of this case. (ECF No. 10.)

In seeking reconsideration of an order, Local Rule 230 requires Plaintiff to show “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion.” Local Rule 230(j). “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 the controlling law.” Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009). “A party seeking reconsideration must show more than a disagreement with the Court’s decision, and recapitulation of the cases and arguments considered by the court before rendering its original decision fail to carry the moving party’s burden.” Arteaga v. Asset Acceptance, LLC, 733 F.Supp.2d 1218, 1236 (E.D. Cal. 2010); United States v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). To succeed, a party must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision. See Arteaga, 733 F.Supp.2d at 1236; Westlands Water, 134 F.Supp.2d at 1131.

Here, Plaintiff has not set forth facts or law of a strongly convincing nature in his motion for reconsideration to induce the court to reverse its prior decision. Therefore, the motion for reconsideration shall be denied.

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for reconsideration, filed on April 10, 2017, is DENIED;
2. No further motions for reconsideration or clarification will be entertained; and
3. This case remains CLOSED

IT IS SO ORDERED.

Dated: April 20, 2017

SENIOR DISTRICT JUDGE