

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
8

9 **MAHDU SAMEER,**

10 **Plaintiff**

11 **v.**

12 **RIGHT MOVES 4 U; MICHELLE**  
13 **FRANKLIN; DYLAN CORTINA;**  
14 **XO MOVING SYSTEMS; CONROY**  
15 **REMOVALS; FIONA CONROY;**  
16 **MONICA MCKINLEY; TALBOT**  
**UNDERWRITING RISK SERVICES;**  
**SHIPCO TRANSPORT; and DOES 1-43,**

**Defendants**

**CASE NO. 1:17-CV-886 AWI-EPG**

**ORDER DENYING PLAINTIFF'S**  
**"REQUEST FOR**  
**RECONSIDERATION"**

(Doc. No. 96)

17 On May 22, 2018, this Court dismissed Plaintiff's complaint with prejudice under Rule  
18 41(b) on the grounds that Plaintiff failed to follow a previous court order instructing her to  
19 conform her pleadings to Rule 8's "short and plain statement" standard. *See* Doc. No. 95. That  
20 same day, Plaintiff filed a "Request for Reconsideration." *See* Doc. No. 96.

21 Federal Rule of Civil Procedure 59(e) provides a mechanism for a court to reconsider and  
22 alter or amend a prior order. *See* Fed. R. Civ. Pro. 59(e); *Kona Enters. v. Estate of Bishop*, 229  
23 F.3d 877, 883 n.6, 890 (9th Cir. 2000); *see also Am. Ironworks & Erectors, Inc. v. N. Am. Const.*  
24 *Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001) ("[A] motion for reconsideration is treated as a  
25 motion to alter or amend judgment under Federal Rule of Civil Procedure Rule 59(e) if it is filed  
26 within ten days of entry of judgment."). "While Rule 59(e) permits a district court to reconsider  
27 and amend a previous order, the rule offers an extraordinary remedy, to be used sparingly in the  
28 interests of finality and conservation of judicial resources." *Wood v. Ryan*, 759 F.3d 1117, 1121

1 (9th Cir. 2014); *Kona Enters.*, 229 F.3d at 890. Rule 59(e) amendments are appropriate if the  
2 district court (1) is presented with newly discovered evidence, (2) committed clear error or the  
3 initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.  
4 *Wood*, 759 F.3d at 1121; *Kona Enters.*, 229 F.3d at 890. This standard is a “high hurdle.” *Weeks*  
5 *v. Bayer*, 246 F.3d 1231, 1236 (9th Cir. 2001). Rule 59(e) motions “may not be used to raise  
6 arguments or present evidence for the first time when they could reasonably have been raised  
7 earlier in the litigation.” *Kona Enters.*, 229 F.3d at 890.

8 In Plaintiff’s “Request for Reconsideration,” she makes no argument as to “newly  
9 discovered evidence” or “intervening change in the law,” and makes no credible showing  
10 indicating the Court “committed clear error” or the dismissal with prejudice was “manifestly  
11 unjust.” *Wood*, 759 F.3d at 1121; *Kona Enters.*, 229 F.3d at 890. Plaintiff’s motion appears to  
12 aver the same arguments previously made concerning her belief in the strength of her case and her  
13 status as a *pro se* litigant; reconsideration is not available to a party who makes the same  
14 arguments previously made. *Id.*; *see also Walsh v. Hagee*, 316 F.R.D. 1, 2 (D.D.C. 2014) (finding  
15 relief from judgment unavailable under Rule 59(e) where the plaintiff raised the same arguments  
16 previously raised, thereby failing to show intervening change in controlling case law, new  
17 evidence, or need to correct clear error). Further, the Court’s again notes the Order dismissing  
18 Plaintiff’s case with prejudice was based on her failure to proffer a “short and plain statement,”  
19 despite the Court’s prior guidance and grant to Plaintiff to amend. *See* Doc. No. 95.

20 **ORDER**

21 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s “Request for Reconsideration”  
22 (Doc. No. 96) is DENIED.

23  
24 IT IS SO ORDERED.

25 Dated: May 23, 2018

26  
27  
28   
\_\_\_\_\_  
SENIOR DISTRICT JUDGE