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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 CHRISTOPHER LIPSEY, JR.,

10 Plaintiff,

11 v.

12 M. GUZMAN, et al.,

13 Defendants.
14

Case No. 1:17-cv-00896-AWI-EPG (PC)

ORDER DENYING PLAINTIFF’S MOTION
TO ALTER JUDGMENT

(ECF NO. 22)

15 Christopher Lipsey, Jr. (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma*
16 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On July 3, 2018, the Court
17 dismissed Plaintiff’s federal claims with prejudice and his state law claims without prejudice.
18 (ECF No. 20). Plaintiff’s federal claims were dismissed for failure to state a claim, and because
19 the federal claims were dismissed, the Court declined to exercise jurisdiction over Plaintiff’s
20 state claims. (ECF No. 15, p. 10; ECF No. 20). On that same day, judgment was entered. (ECF
21 No. 21).

22 On July 16, 2018, Plaintiff filed a motion to alter the judgment pursuant to Federal Rule
23 of Civil Procedure 59(e) (“the Motion”). (ECF No. 22).

24 The Ninth Circuit has held that:

25 In general, there are four basic grounds upon which a Rule 59(e)
26 motion may be granted: (1) if such motion is necessary to correct
27 manifest errors of law or fact upon which the judgment rests; (2) if
28 such motion is necessary to present newly discovered or previously
unavailable evidence; (3) if such motion is necessary to prevent
manifest injustice; or (4) if the amendment is justified by an
intervening change in controlling law.

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Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011) (citing McDowell v. Calderon, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999) (en banc) (per curiam)). Altering or amending a judgment under Rule 59(e) is “an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000) (internal quotation marks omitted) (quoting 12 James Wm. Moore et al., Moore’s Federal Practice § 59.30[4] (3d ed. 2000)).

In the Motion, Plaintiff largely reiterates arguments he has already made. Despite this, the Court has reviewed Plaintiff’s arguments, and its decision was correct. As Plaintiff has failed to establish grounds for altering the judgment, the Motion will be denied.

Accordingly, based on the foregoing, IT IS HEREBY ORDERED that the Motion to Alter the Judgment is DENIED.

IT IS SO ORDERED.

Dated: August 20, 2018



SENIOR DISTRICT JUDGE