

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:) 1:17-mc-00064-SAB
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MICHAEL FRIES,) ORDER DENYING PLAINTIFF'S MOTION FOR
) RECONSIDERATION OF THE COURT'S
) OCTOBER 30, 2017, ORDER
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) [ECF No. 6]
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On August 24, 2017, the Court received a motion from the Plaintiff requesting access to the electronic case filing system at Kern Valley State Prison (“KVSP”) in Delano, California.

On October 30, 2017, the Court denied Plaintiff's request for Court because "there is no basis for Court intervention and Mr. Fries must comply with the normal procedures to file his complaint through the electronic filing system pursuant to the Court's Standing Order." (ECF No. 5, Order at 3:3-5.)

On November 16, 2017, Plaintiff filed objections to the Court's October 30, 2017, order which the Court construes as a motion for reconsideration. (ECF No. 11.) Plaintiff contends that March 27, 2015, was erroneous and prejudicial.

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1 Pursuant to Local Rule 230(j), in filing an application for reconsideration, the moving party
2 must include:

- 3 (1) when and to what Judge or Magistrate Judge the prior motion was made;
- 4 (2) what ruling, decision, or order was made thereon;
- 5 (3) 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;
and
- 6 (4) why the facts or circumstances were not shown at the time of the prior motion.

7 Local Rule 230(j).

8 Plaintiff contends that he met his burden in demonstrating that he did not have adequate access
9 to the electronic filing system at Kern Valley State Prison and the Court's October 30, 2017, order is
not supported by the evidence. Plaintiff's motion for reconsideration must be denied. As stated in the
10 Court's October 30, 2017, order:

11 The Office of the Attorney General submitted the declaration of the Library Technical
12 Assistant at KVSP, R. Tinsley, who declares that Mr. Fries visited the law library on C-Facility
13 on February 8, 2017. (Decl. R. Tinsley, ECF No. 3-1, at ¶ 4.) On that date, Mr. Fries was
14 provided a § 1983 complaint form and three proofs of service, but did not fill out the forms at
15 the law library or ask for the forms to be e-filed. (Decl. R. Tinsley, ECF No. 3-1, at ¶ 4.) Mr.
16 Fries again visited the law library on April 10, 2017, May 5, 2017, and May 25, 2017, but did
17 not request a § 1983 e-filing packet. (Id. at ¶ 5.) Further, the law library for C-Facility received
eight requests for law library access from Mr. Fries between April 10, 2017 and September 1,
2017, and ducets were ordered, but Mr. Fries did not show at the library for the scheduled
visits. (Id. at ¶ 6.)

18 (ECF No. 5, Order at 2:10-18.) The Court determined that although Plaintiff was occasionally
19 prevented from attending the law library due to his medical appointments, prison officials did not
20 generally prevent him from utilizing the e-filing system. (Id. at 2-3.) Plaintiff merely repeats the same
21 arguments that were previously presented and considered by the Court, and Plaintiff's disagreement
22 with the Court's ruling is insufficient to warrant reconsideration. See Collins v. D.R. Horton, Inc., 252
23 F.Supp.2d 936, 938 (D. Az. 2003) (a motion for reconsideration cannot be used to ask the Court to
24 rethink what the Court has already thought through merely because a party disagrees with the Court's
25 decision); see also Leong v. Hilton Hotels Corp., 689 F.Supp. 1572, 1573 (D. Haw. 1988) (mere
26 disagreement with a previous order is an insufficient basis for reconsideration). Contrary to Plaintiff's
27 contention, he is not being denied the right to file a civil rights action; rather, he simply must utilize
28 the proper procedure for doing so. Thus, if and when Plaintiff files a civil rights complaint by way of

1 the e-filing system, a civil rights action will be opened and assigned a civil case number as set forth in
2 the Court's Standing Order. Accordingly, Plaintiff's motion for reconsideration is denied.

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4 IT IS SO ORDERED.

5 Dated: November 21, 2017



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UNITED STATES MAGISTRATE JUDGE