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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANNY JAMES COHEA,

Plaintiff,

v.

J. COLVIN, D. McCARGAR, S.L.
BAUGHMAN, M.A. MICHEELS, R
YAMAMOTO, SD AKIN, D. ADAMS,
A GOLD, and S. SCARSELLA,

Defendants.

No. 2:00-cv-02799-GEB-EFB

ORDER

On September 8, 2015, the Court issued an order, (ECF No. 338), denying Plaintiff's August 13, 2015 motion to vacate the judgment under Federal Rule of Civil Procedure 59(e). Nine days later, on September 17, 2015, Plaintiff filed a reply brief concerning his Rule 59(e) motion. (Pl.'s Reply, ECF No. 339.)

Plaintiff now seeks reconsideration of the September 8, 2015 order so the Court may consider his reply brief. (Pl.'s Req. Vacate Sept. 4, 2015 Order, ECF No. 345.) Plaintiff asserts the September 8, 2015 order "deprived Plaintiff . . . his constitutional statutory right to file a "reply" to Defendants' 'September 03, 2015 Opposition in violation of this Court's Local Rule 230(1) and Federal Rule of Civil Procedure 78." (Id. at 2.)

1 Plaintiff's reconsideration request is GRANTED, and the
2 September 8, 2015 order is withdrawn. Therefore, the court now
3 decides Plaintiff's August 13, 2015 Rule 59(e) motion after
4 reviewing Plaintiff's reply brief.

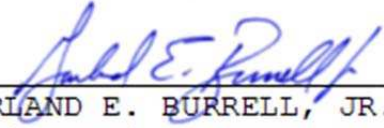
5 "Under Federal Rule of Civil Procedure 59(e), a party
6 may move to have the court amend its judgment within twenty-eight
7 days after entry of the judgment." Allstate Ins. Co. v. Herron,
8 634 F.3d 1101, 1111 (9th Cir. 2011). However, "amending a
9 judgment after its entry [is] an extraordinary remedy which
10 should be used sparingly." Id. (internal quotation marks and
11 citation omitted).

12 In general, there are four basic grounds upon
13 which a Rule 59(e) motion may be granted: (1)
14 if such motion is necessary to correct
15 manifest errors of law or fact upon which the
16 judgment rests; (2) if such motion is
17 necessary to present newly discovered or
18 previously unavailable evidence; (3) if such
19 motion is necessary to prevent manifest
20 injustice; or (4) if the amendment is
21 justified by an intervening change in
22 controlling law.

19 Id.

20 Plaintiff has not made a sufficient showing to amend
21 the judgment on any of the referenced grounds. Therefore,
22 Plaintiff's motion, (ECF No. 333), is DENIED.

23 Dated: October 6, 2015

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27 GARIAND E. BURRELL, JR.
28 Senior United States District Judge