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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HENRY PRICE,

Petitioner,

No. CIV S-06-0565 LKK KJM P

vs.

JOHN C. MARSHALL, et al.,

Respondent.

ORDER

_____ /

On September 3, 2009, petitioner filed a motion asking that this court reconsider its July 30, 2007 order adopting the magistrate judge’s May 2, 2007 findings and recommendations thereby dismissing this action.

A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” Id. at 1263.

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1 Plaintiff does not present newly discovered evidence suggesting this matter should
2 not have been dismissed. Furthermore, the court finds that, after a de novo review of this case,
3 the July 30, 2007 order adopting the May 2, 2007 findings and recommendations is neither
4 manifestly unjust nor clearly erroneous.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's September 3, 2009
6 "motion for relief from judgment" is denied.

7 DATED: April 23, 2010.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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