

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CHARLES CHATMAN,

Plaintiff,

No. 2:06-cv-2912 LKK EFB P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

_____ /

On April 29, 2009, the court screened plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A. Dckt. No. 16. Currently before the court is plaintiff’s July 16, 2012 motion for reconsideration of that order. Dckt. No. 74. Defendants oppose plaintiff’s motion. Dckt. No. 75.

Reconsideration is appropriate if the 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. *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Local Rule 230(j) requires that a motion for reconsideration state “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 “why the facts or circumstances were not shown at the time of the prior motion.” E.D. Cal., Local Rule 230(j)(3)-

1 (4). *See also* E.D. Cal. Local Rule 303(b) (“Rulings by Magistrate Judges pursuant to this Rule
2 shall be final if no reconsideration thereof is sought from the Court within fourteen (14) days
3 calculated from the date of service of the ruling on the parties, unless a different time is
4 prescribed by the Magistrate Judge or the Judge.”). Plaintiff’s untimely motion does not
5 describe new or different facts or circumstances that would warrant reconsideration of the
6 court’s April 29, 2009 order.

7 Accordingly, plaintiff’s motion for reconsideration (Dckt. No. 74) is denied.

8 DATED: August 10, 2012.

9
10 
11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26