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

ALVAN A. ADAMS,
Plaintiff,

No. 2:07-cv-01225-MCE-EFB P

vs.

ORDER

R. SUBIA, et al.,
Defendants.

_____ /


Plaintiff, a state prisoner proceeding without counsel, brought this action under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). On September 27, 2010, the court dismissed this action and judgment was duly entered. Dckt. Nos. 51, 52. On October 6, 2010, plaintiff filed a motion for reconsideration pursuant to Rule 59 of the Federal Rules of Civil Procedure. Dckt. No. 53.

Absent “highly unusual” circumstances, reconsideration pursuant to Rule 59(e) is appropriate only where 1) the court is presented with newly discovered evidence; 2) the court committed clear error or the initial decision was manifestly unjust; or 3) there is an intervening change in controlling law. *Sch. Dist. No. 1J, Multnomah Cnty. v. ACands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

1 In addition, a Rule 59(e) motion for reconsideration “may *not* be used to raise arguments or
2 present evidence for the first time when they could reasonably have been raised earlier in the
3 litigation.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Plaintiff’s
4 motion for reconsideration fails to meet the standards for relief under Rule 59(e).

5 Therefore, IT IS HEREBY ORDERED that plaintiff’s October 6, 2010 motion for
6 reconsideration, is DENIED.

7 Dated: November 2, 2010

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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