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

VERNON WAYNE MCNEAL,

Plaintiff,

No. CIV S-07-2240 LKK EFB P

vs.

ERVIN, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Plaintiff filed a motion objecting to the dismissal of his amended complaint, which the court construes as a request for reconsideration of the undersigned’s March 3, 2010 order.

This case was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). On November 23, 2009, the magistrate judge issued findings and recommendations which recommended that the action be dismissed for failure to state a claim for relief. On March 3, 2010, the undersigned issued an order adopting the findings and recommendations in full and dismissing the action. On March 15, 2010, plaintiff filed a motion objecting to the findings and recommendations, which the court construes as a request for reconsideration of its March 3, 2010 order.

1 Although motions to reconsider are directed to the sound discretion of the court,
2 Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981),
3 considerations of judicial economy weigh heavily in the process. Thus Local Rule 230(j)
4 requires that a party seeking reconsideration of a district court’s order must brief the “new or
5 different facts or circumstances . . . [which] were not shown upon such prior motion, or what
6 other grounds exist for the motion.” The rule derives from the “law of the case” doctrine which
7 provides that the decisions on legal issues made in a case “should be followed unless there is
8 substantially different evidence . . . new controlling authority, or the prior decision was clearly
9 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d
10 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
11 denied, 475 U.S. 1064 (1986).

12 Plaintiff has failed to demonstrate any new or different facts or circumstances
13 which did not exist or were not shown upon the prior motion. See E.D. Local Rule 230(j).
14 Accordingly, IT IS ORDERED that plaintiff’s request for reconsideration is hereby DENIED.
15 DATED: August 31, 2010.

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19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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