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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. HUNT,
Plaintiff,
v.
M. REYES, et al.,
Defendants.

No. 2:08-cv-0181 MCE CKD P

ORDER

Following a jury trial resulting in a verdict for defendants, this pro se prisoner action was closed on January 7, 2015. Plaintiff has filed a motion for new trial. (ECF No. 181.)


Federal Rule of Civil Procedure 59(a)(1) provides that: “The court may, on motion, grant a new trial on all or some of the issues – and to any party – as follows: (A) after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in federal court[.]” Rule 59 does not specify the grounds on which a motion for a new trial may be granted. Zhang v. Am. Gem Seafoods, Inc., 339 F.3d 1020, 1035 (9th Cir. 2003). Rather, the court is “bound by those grounds that have been historically recognized.” Id. “Historically recognized grounds include, but are not limited to, claims ‘that the verdict is against the weight of the evidence, that the damages are excessive, or that, for other reasons, the trial was not fair to the party moving.’” Molski v. M.J. Cable, Inc., 481 F.3d 724, 729 (9th Cir. 2007) (quoting Montgomery Ward & Co. v. Duncan, 311 U.S. 243, 251 (1940)). “The grant of a new trial is

1 'confided almost entirely to the exercise of discretion on the part of the trial court.'" Murphy v.
2 City of Long Beach, 914 F.2d 183, 186 (9th Cir. 1990) (quoting Allied Chem. Corp. v. Daiflon,
3 Inc., 449 U.S. 33, 36 (1980)).

4 Here, plaintiff seeks a new trial on the following grounds: (1) the jury verdict was against
5 the clear weight of the evidence; (2) the jury instructions were misleading and inadequate; (3) the
6 court allowed evidence and theories eliminated by summary judgment and its pretrial order; and
7 (4) the trial court erred in evidentiary rulings. (ECF No. 181 at 2.) Having reviewed the motion,
8 the Court concludes that plaintiff is not entitled to relief under Rule 59(a)(1). As this action is
9 closed, no order will issue in response to future filings.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for new trial (ECF No.
11 181) is denied.

12 Dated: April 20, 2015

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16 MORRISON C. ENGLAND, JR., CHIEF JUDGE
17 UNITED STATES DISTRICT COURT
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