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

MARVIN GLENN HOLLIS,

Plaintiff,

No. CIV S-08-1094 MCE CKD P

vs.

J. MASON, et al.,

Defendants.

ORDER

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On March 28, 2012, this case was closed pursuant to Federal Rule of Civil Procedure Rule 41(a) and the parties’ stipulation for voluntary dismissal with prejudice. (ECF Nos. 136, 137.) On April 3, 2012, plaintiff filed a motion to reopen the case until defendants pay him the agreed-upon settlement amount and send him copies of the fully executed settlement documents for his records. (ECF No. 138.)

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 Here, none of these conditions apply; rather, there appears to have been a (so far) brief delay by  
2 defendants in effecting the settlement terms. The Court will deny plaintiff's motion without  
3 prejudice to renewal in thirty (30) days if, by that time, defendants still have not paid him the  
4 agreed-upon settlement amount and/or sent him copies of the fully executed settlement  
5 documents. Accordingly, plaintiff's April 3, 2012, motion to alter or amend judgment (ECF No.  
6 138) is DENIED without prejudice to renewal no less than thirty (30) days from the date of  
7 service of this order.

8 IT IS SO ORDERED.

9 Dated: May 1, 2012

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12 MORRISON C. ENGLAND, JR.  
13 UNITED STATES DISTRICT JUDGE  
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