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

JOHN MONTALVO,

Petitioner,

No. CIV S-08-1224 LKK DAD (TEMP) P

vs.

MALFI,

Respondent.

ORDER

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On February 24, 2011, petitioner filed a motion asking that this court reconsider its February 2, 2011 order adopting the magistrate judge’s November 23, 2010 findings and recommendations thereby dismissing this action.

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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