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

ROBERT EARL DEARMON,                                 No. 2:08-cv-02834-MCE-DAD (TEMP) P  
                                  Plaintiff,  
                                  vs.                                 ORDER  
S. IWANICK, et al.,  
                                  Defendants.

\_\_\_\_\_/


On November 16, 2010, plaintiff filed a motion asking that this court reconsider its November 3, 2010 order dismissing defendant Iwanick. 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.

Plaintiff does not present newly discovered evidence. Furthermore, the court finds that, after a de novo review of this case, there was no error in dismissing defendant Iwanick, and the decision to dismiss him is not manifestly unjust.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's November 16, 2010 motion for reconsideration is denied.

Dated: January 31, 2011

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE