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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL C. WARNKEN and
ALL CALIFORNIANS SIMILARLY
SITUATED,

NO. CIV. S-08-2891 LKK/EFB

Plaintiffs,

v.

O R D E R

ARNOLD SCHWARZENEGGER,
Governor of California;
DEBRA BOWEN, Secretary of
State; JERRY BROWN, Attorney
General; THE CALIFORNIA
ASSEMBLY, and ONE TO
UNKNOWN DOE ASSISTANTS,

Defendants.

_____ /

On December 8, 2009, the Magistrate Judge issued findings and recommendations that this court dismiss plaintiff's complaint without leave to amend. On December 23, 2009, plaintiff filed objections to the findings and recommendations. On January 19, 2010, plaintiff filed a motion for oral argument before this court concerning the motions to dismiss, which the Magistrate Judge recommended this court dismiss. On February 24, 2010, this court

1 denied plaintiff's motion for oral argument. On March 9, 2010, this
2 court adopted the findings and recommendations in full, dismissing
3 plaintiff's complaint with prejudice.

4 On April 2, 2010, plaintiff filed an application for
5 reconsideration. It appears that he is seeking that the court
6 reconsider both its February 24, 2010 and March 9, 2010 orders.
7 Pursuant to Eastern District of California Local Rule 230(j), a
8 party seeking reconsideration of a court order granting or denying
9 a motion in whole or in part must "present to the Judge or
10 Magistrate Judge to whom such subsequent motion is made an
11 affidavit or brief, as appropriate, setting forth the material
12 facts and circumstances surrounding each motion for which
13 reconsideration is sought, including:

- 14 (1) when and to what Judge or Magistrate Judge the prior
15 motion was made;
- 16 (2) what ruling, decision, or order was made thereon;
- 17 (3) what new or different facts or circumstances are claimed
18 to exist which did not exist or were not shown upon such
19 prior motion, or what other grounds exist for the
20 motion; and
- 21 (4) why the facts or circumstances were not shown at the
22 time of the prior motion."

23 Here, plaintiff has not provided any grounds as to why this
24 court should reconsider its prior orders. Rather, plaintiff merely
25 attempts to explain his late filing of the application for
26 reconsideration. Because plaintiff has not presented any new facts


1 or circumstances or any other ground upon which the court should
2 reconsider its prior orders, the court need not consider whether
3 plaintiff's late filing should be excused. Thus, the court denies
4 plaintiff's motion because he has presented no argument whatsoever
5 as to why this court should reconsider its prior orders.

6 For the foregoing reasons, plaintiff's application for
7 reconsideration, Doc. 57, is DENIED.

8 IT IS SO ORDERED.

9 DATED: April 6, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT