UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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GRACE MILES,

Appellant,

v.

ROYCE LEE MAKISHIMA, TERRA ANN MAKISHIMA,

Appellees.

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NO. CIV. 08-3170 WBS

ORDER DENYING MOTION FOR RECONSIDERATION

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Appellant Grace Miles moves for reconsideration of this court's order of March 12, 2009, dismissing her bankruptcy appeal as untimely.

"'[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.'" Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003) (quoting Kona Enter., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th

Cir. 2000)). Although appellant asserts that reconsideration is proper because she was not given an opportunity to oppose appellees' motion to dismiss, she was in fact given such an opportunity. Rather than file any opposition, however, appellant requested a stay to which she was not entitled under 11 U.S.C. § 362. (See Docket No. 14.) The court concludes that it did not commit clear error in dismissing appellant's appeal as untimely.

IT IS THEREFORE ORDERED that appellant's motion for reconsideration be, and the same hereby is, DENIED.

DATED: April 1, 2009

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE