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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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12 GRACE MILES,

NO. CIV. 08-3170 WBS

13 Appellant,

14 v.

ORDER DENYING MOTION FOR  
RECONSIDERATION

15 ROYCE LEE MAKISHIMA, TERRA ANN  
16 MAKISHIMA,

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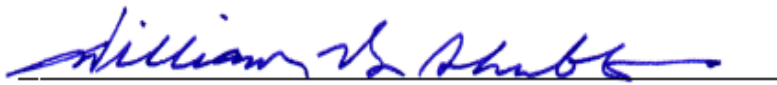
20 Appellant Grace Miles moves for reconsideration of this  
21 court's order of March 12, 2009, dismissing her bankruptcy appeal  
22 as untimely.

23 "[A] motion for reconsideration should not be granted,  
24 absent highly unusual circumstances, unless the district court is  
25 presented with newly discovered evidence, committed clear error,  
26 or if there is an intervening change in the controlling law.'" Carroll v. Nakatani, 342 F.3d 934, 945 (9th Cir. 2003) (quoting  
27 Kona Enter., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th  
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1 Cir. 2000)). Although appellant asserts that reconsideration is  
2 proper because she was not given an opportunity to oppose  
3 appellees' motion to dismiss, she was in fact given such an  
4 opportunity. Rather than file any opposition, however, appellant  
5 requested a stay to which she was not entitled under 11 U.S.C. §  
6 362. (See Docket No. 14.) The court concludes that it did not  
7 commit clear error in dismissing appellant's appeal as untimely.

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

10 DATED: April 1, 2009

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12 WILLIAM B. SHUBB  
13 UNITED STATES DISTRICT JUDGE  
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