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

RONALD E. WALTON,

Plaintiff,

No. CIV S-09-0479 EFB P

vs.

J. BUTLER, et al.,

Defendants

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

On September 29, 2009, plaintiff moved for reconsideration of the court’s September 23, 2009 order, which denied plaintiff’s request for the appointment of counsel without prejudice. Although motions to reconsider are directed to the sound discretion of the court, *Frito-Lay of Puerto Rico, Inc. v. Canas*, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981), considerations of judicial economy weigh heavily in the process. Thus, Local Rule 78-230(k) requires that a party seeking reconsideration of a district court’s order must brief the “new or different facts or circumstances . . . [which] were not shown upon such prior motion, or what other grounds exist

1 for the motion.” L.R. 78-230(k). The rule derives from the “law of the case” doctrine which  
2 provides that the decisions on legal issues made in a case “should be followed unless there is  
3 substantially different evidence . . . new controlling authority, or the prior decision was clearly  
4 erroneous and would result in injustice.” *Handi Investment Co. v. Mobil Oil Corp.*, 653 F.2d  
5 391, 392 (9th Cir. 1981); *see also Waggoner v. Dallaire*, 767 F.2d 589, 593 (9th Cir. 1985), *cert.*  
6 *denied*, 475 U.S. 1064 (1986). Plaintiff has failed to demonstrate any new or different facts or  
7 circumstances which did not exist or were not shown upon the prior motion, and thus, his motion  
8 is denied. *See* L.R. 78-230(k).

9 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the September 23,  
10 2009 order, is confirmed.

11 Dated: October 20, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE