

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JIMMIE STEPHEN,

Petitioner,

No. 2:09-cv-01516 MCE CKD P

v.

F. ZHANG, et al.,

Respondent.

ORDER

\_\_\_\_\_ /

On September 19, 2012, Plaintiff filed a motion asking that the Court reconsider its March 1, 2012, order adopting the magistrate judge’s December 1, 2011, findings and recommendations thereby dismissing this action.

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 suggesting this matter should not be dismissed.

///

1 Furthermore, the court finds that, after a de novo review of this case, the March 1, 2012, order  
2 adopting the December 1, 2011, findings and recommendations is neither manifestly unjust nor  
3 clearly erroneous.

4                   Accordingly, IT IS HEREBY ORDERED that Plaintiff's September 19, 2012,  
5 motion for reconsideration (ECF No. 160) is denied.

6 Dated: December 6, 2012

7   
8 \_\_\_\_\_  
9 MORRISON C. ENGLAND, JR.  
10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26