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

MARVIN GLENN HOLLIS,

Plaintiff,

No. CIV S-09-1627 KJM P

vs.

A. GORBY, et al.,

Defendants.

ORDER

_____/

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On November 24, 2009, the court indicated that it would order service of process on defendant “Tovar” without indicating whether the court was referring to defendant Tovar, Jr. or defendant Tovar, Sr. The court will order service of process on both defendants Tovar, Jr. and Sr. Plaintiff has already provided the documents necessary for service on Tovar, Sr. Plaintiff will now be ordered to provide the documents for service on defendant Tovar, Jr.

Plaintiff asks that the court reconsider the decision not to order service of process on defendant Clark. A 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 . . . court (1) is presented

1 with newly discovered evidence, (2) committed clear error or the initial decision was manifestly
2 unjust, or (3) if there is an intervening change in controlling law.” Id. at 1263. Plaintiff has not
3 shown good cause for reconsideration of the decision not to order service of process on
4 defendant Clark. Therefore, plaintiff’s motion for reconsideration will be denied.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The Clerk of the Court shall send plaintiff a USM-285 form, an instruction
7 sheet and a copy of the complaint filed June 11, 2009.

8 2. Within thirty days from the date of this order, plaintiff shall complete the
9 attached Notice of Submission of Documents and submit the following documents to the court:

10 a. The completed Notice of Submission of Documents;

11 b. One completed USM-285 form for defendant Tovar, Jr.; and

12 d. Two copies of the endorsed complaint filed June 11, 2009.

13 3. Plaintiff’s request that the court reconsider the decision not to order service of
14 process on defendant Clark (#14) is denied.

15 DATED: March 31, 2010.

16 
17 U.S. MAGISTRATE JUDGE

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

Plaintiff,

vs.

Defendants.

No. CIV-S

NOTICE OF SUBMISSION
OF DOCUMENTS

_____ /

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

- _____ completed USM-285 forms
- _____ copies of the _____
Complaint

DATED:

Plaintiff