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

SCOTT E. POMBRIO,

Petitioner,

No. CIV S-09-2577 WBS CMK (TEMP) P

vs.

S.M. SALINAS,

Respondent.

ORDER

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On March 14, 2011, petitioner filed a motion asking that this court reconsider its February 25, 2011 order dismissing this action.

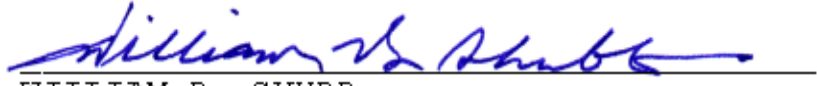
A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (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.

Petitioner does not present newly discovered evidence suggesting this matter should not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the February 25, 2011 order dismissing this action is neither manifestly unjust nor clearly erroneous. There has been no change in controlling law.

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Accordingly, IT IS HEREBY ORDERED that petitioner's March 14, 2011  
motion for reconsideration is denied.

DATED: March 17, 2011



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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