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

BRYANT ALLEN,

Plaintiff,

No. CIV S-09-3068 JAM CKD P

vs.

S. M. ROCHE,

Defendant.

ORDER

_____ /

On April 11, 2012, plaintiff filed a motion asking that this court reconsider the March 29, 2012 order adopting the magistrate judge’s December 27, 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.

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1 Plaintiff does not present newly discovered evidence suggesting this matter should
2 not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the
3 March 29, 2012 order adopting the magistrate judge's December 27, 2011 findings and
4 recommendations is neither manifestly unjust nor clearly erroneous.

5 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 11, 2012 motion
6 for reconsideration is denied.

7 DATED: June 28, 2012

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9 /s/ John A. Mendez
10 UNITED STATES DISTRICT COURT JUDGE
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