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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DAVENPORT,
Plaintiff,
v.
BEN LEE, et al.,
Defendants.

No. 2:09-cv-3091-GEB-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 22, 2012, the court dismissed this action without prejudice. ECF No. 86. Judgment was duly entered. ECF No. 87. On October 3, 2012, plaintiff requested relief from judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure. ECF No. 91. On September 27, 2013, the court denied plaintiff’s request. ECF No. 96. Now pending is plaintiff’s June 11, 2014 “motion to vacate judgment” pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. ECF No. 99.

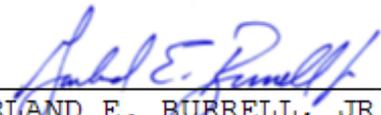
Under Rule 59(e), three grounds may justify reconsideration: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error or prevent manifest injustice. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986), *rev’d in part on other grounds*, 828 F.2d 514 (9th Cir. 1987), *cert. denied*, 486 U.S. 1015 (1988); *see also 389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.

1 1999); accord *School Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Courts
2 construing Federal Rule of Civil Procedure 59(e) have noted that a motion to reconsider is not a
3 vehicle permitting the unsuccessful party to “rehash” arguments previously presented, or to
4 present “contentions which might have been raised prior to the challenged judgment.” *Costello v.*
5 *United States*, 765 F. Supp. 1003, 1009 (C.D. Cal. 1991); see also *F.D.I.C. v. Meyer*, 781 F.2d
6 1260, 1268 (7th Cir. 1986); *Keyes v. National R.R. Passenger Corp.*, 766 F. Supp. 277, 280 (E.D.
7 Pa. 1991). These holdings “reflect[] district courts’ concerns for preserving dwindling resources
8 and promoting judicial efficiency.” *Costello*, 765 F.Supp. at 1009.

9 Plaintiff’s motion does not specify any grounds for relief from judgment, and thus, fails to
10 demonstrate that he is entitled to the requested relief. Accordingly, plaintiff’s June 11, 2014
11 motion to vacate the judgment (ECF No. 99) is DENIED.

12 So ordered.

13 Dated: June 17, 2014

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17 GARIAND E. BURRELL, JR.
18 Senior United States District Judge
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