

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

DARIUS GAINES,

No. 2:10-cv-00429-MCE-KJM P

Petitioner,

vs.

ORDER

DARRELL G. ADAMS,

Respondent.

\_\_\_\_\_ /

On August 12, 2010, petitioner filed a document titled "request for rehearing." The court construes this as a motion for reconsideration of the court's July 6, 2010 order dismissing this case.


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.

////

////

1                   Plaintiff fails to point to any evidence, law or anything else suggesting the court  
2 should reconsider its order dismissing this action. Accordingly, IT IS HEREBY ORDERED that  
3 plaintiff's August 12, 2010 "request for rehearing" is denied.

4                   Dated: August 18, 2010

5   
6 \_\_\_\_\_  
7 MORRISON C. ENGLAND, JR.  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26