

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

SIMON F. RANTEESI,

Petitioner,

No. 2: 10-cv-0439 GEB TJB P

vs.

RANDY GROUNDS,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is plaintiff’s motion for reconsideration of the court’s July 16, 2012 order and judgment which denied the habeas petition.

The court may grant reconsideration from final judgment under Federal Rules of Civil Procedure 59(e) and 60. Generally, a motion for reconsideration of a final judgment is appropriately brought under Federal Rule of Civil Procedure 59(e). See Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985); see also Schroeder v. McDonald, 55 F.3d 454, 458-59 (9th Cir. 1995). The motion must be filed no later than twenty-eight (28) days after entry of judgment. See FED. R. CIV. P. 59(e). In this case, petitioner’s motion for reconsideration was timely as it was filed one week after judgment was issued. Under Rule 59(e), three grounds may

1 justify reconsideration: (1) an intervening change in controlling law; (2) the availability of new
2 evidence; or (3) the need to correct clear error or prevent manifest injustice. See 389 Orange
3 Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999). Local Rule 230(j) requires that a
4 party seeking reconsideration of a district court's order must brief the new or different facts or
5 circumstances which were not shown upon such prior motion, or what other grounds exist for the
6 motion.

7 Petitioner asserts in his motion that he was wrongly convicted for his crimes due
8 to his Paxil medication which caused him to be involuntarily intoxicated when he committed his
9 crimes. Petitioner's arguments which respect to his Paxil medication do not justify reconsidering
10 the order and judgment. Accordingly, IT IS HEREBY ORDERED that petitioner's motion for
11 reconsideration (Dkt. No. 103.) is DENIED.

12 Dated: October 31, 2012

13
14 
15 _____
16 GARLAND E. BURRELL, JR.
17 Senior United States District Judge
18
19
20
21
22
23
24
25
26