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

10 ALBERTO WINFFEL,

11 Plaintiff,

No. 2:10-cv-1002 JAM EFB P

12 vs.

13 POMAZAL, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under
17 42 U.S.C. § 1983. On May 3, 2013, the court dismissed this action because plaintiff failed to
18 exhaust available administrative remedies prior to filing suit, and judgment was duly entered. On
19 May 17, 2013, plaintiff filed a motion for reconsideration of the order dismissing his case.

20 Local Rule 230(j) requires that a motion for reconsideration state “what new or
21 different facts or circumstances are claimed to exist which did not exist or were not shown upon
22 such prior motion, or what other grounds exist for the motion,” and “why the facts or
23 circumstances were not shown at the time of the prior motion.” E.D. Cal., Local Rule 230(j)(3)-
24 (4); see also Fed. R. Civ. P. 60(b) (setting forth grounds for relief from judgment).

25 Plaintiff’s motion includes a document dated August 28, 2009, stating that (1) an
26 appeal he submitted was screened out as duplicative, and (2) that if he believed the screening was

1 improper, he should return the form and his appeal to the Health Care Appeals Officer. As
2 defendants note in their opposition, plaintiff fails to demonstrate that the screened out appeal
3 relates to the claim giving rise to this lawsuit or that he returned the form for further processing
4 as instructed.

5 Plaintiff also argues that no administrative remedies are available to an inmate
6 seeking monetary damages. Even when a prisoner seeks monetary damages, however,
7 exhaustion of administrative remedies is a prerequisite to suit. Porter v. Nussle, 534 U.S. 516,
8 524 (2002).

9 Through his request for reconsideration, plaintiff fails to demonstrate any new or
10 different facts or circumstances that entitle him to reconsideration of the order of dismissal or to
11 relief from judgment.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff's May 17, 2013 motion for
13 reconsideration is DENIED.

14 DATED: June 17, 2013

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16 /s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE