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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MANUEL GUADALUPE SANCHEZ,
12 JR.,

No. 2:10-cv-2029 CKD P

13 Plaintiff,

ORDER

14 v.

15 T. VIRGA, et al.,

16 Defendants.
17

18 Plaintiff is a California prisoner proceeding pro se with an action for violation of civil
19 rights under 42 U.S.C. § 1983. He has consented to have all matters in this action before a United
20 States Magistrate Judge. See 28 U.S.C. § 636(c).

21 On January 16, 2015, plaintiff filed a request for reconsideration of court's October 28,
22 2014 screening order. A ruling may be reconsidered under either Federal Rule of Civil Procedure
23 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255,
24 1262 (9th Cir. 1993). Reconsideration is appropriate if the court (1) is presented with newly
25 discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3)
26 if there is an intervening change in controlling law. Id. at 1263. Plaintiff fails to point to
27 anything indicating reconsideration of the court's October 28, 2014 order is warranted under the
28 law.

1 In his motion, plaintiff also asks for leave to file a fifth amended complaint. However,
2 plaintiff fails to assert in any meaningful respect how a fifth amended complaint would cure the
3 deficiencies articulated in the court's prior screening orders. Accordingly, this action will
4 proceed on plaintiff's fourth amended complaint.

5 Therefore, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's January 16, 2015 motion for reconsideration (ECF No. 42) is denied; and
- 7 2. Plaintiff's request for leave to amend is denied.

8 Dated: January 27, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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