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

JOEL CASTRO-GAXIOLA,

Plaintiff,

No. 2:10-cv-2041 GEB KJN P

vs.

RICHARD B. IVES,

Defendant.

ORDER

_____ /

Plaintiff has filed a motion for reconsideration of the September 30, 2010 order dismissing this action. Plaintiff asks the court to stay this action pending resolution of “Skinner v. United States Department of Justice, No. 09-1188 (Filed Mar. 30, 2010).” (Dkt. No. 12 at 1.)

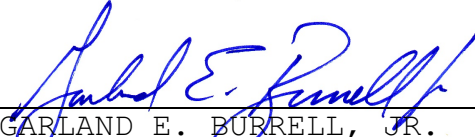
Although motions to reconsider are directed to the sound discretion of the court, Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981), considerations of judicial economy weigh heavily in the process. Thus Local Rule 230(j) requires that a party seeking reconsideration of a district court's order must brief the “new or different facts or circumstances [which] were not shown upon such prior motion, or what other grounds exist for the motion.” The rule derives from the “law of the case” doctrine which provides that the decisions on legal issues made in a case “should be followed unless there is substantially different evidence . . . new controlling authority, or the prior decision was clearly erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d

1 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
2 denied, 475 U.S. 1064 (1986).

3 Petitioner has failed to demonstrate any new or different facts or circumstances
4 which did not exist or were not shown in the objections to the findings and recommendations.
5 See E.D. Local Rule 78-230(k). Moreover, the Supreme Court denied the petition for writ of
6 certiorari in Skinner on October 4, 2010. Skinner, 2010 WL 1526328 (Oct. 4, 2010).
7 Thus, his request to stay this action pending resolution of that action is moot.

8 Accordingly, IT IS ORDERED that, upon reconsideration, this court's order of
9 September 30, 2010, is affirmed.

10 Dated: October 29, 2010

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GARLAND E. BURRELL, JR.
United States District Judge