UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYON ANDERSON,

Plaintiff,

v.

MCM CONSTRUCTION, INC.,

Defendant.

No. 2:10-cv-2833 KJM GGH

ORDER

On December 12, 2014, plaintiff filed a motion for reconsideration of the denial of an earlier motion for reconsideration. Although the court had denied plaintiff's request for additional time in which to file this motion, plaintiff had filed the motion before the denial issued.

As noted in the order denying plaintiff's request for an extension of time, the request for reconsideration is not timely. Order, ECF No. 80. Moreover, in the request for additional time, plaintiff represented he had asked the Labor and Workforce Development Agency to review his hours and would thus be able to submit proof of discrimination based on various discrepancies in the time records. Mot., ECF No. 78. Plaintiff does not supply any such analysis with the current motion, but rather attaches only a portion of an earlier order from the magistrate judge; some correspondence from his former employer, MCM Construction, to the

Equal Opportunity Commission, dated 2009; and some union records from 2006. However, a motion for reconsideration "'may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.'" *Mazalin v. Safeway, Inc.*, No. CIV S–10–1445 KJM CMK, 2012 WL 5387704, at *1 (E.D.Cal. Nov. 1, 2012) (quoting *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008)). The material plaintiff has presented in support of the current motion could have been offered earlier.

IT IS THEREFORE ORDERED that the motion for reconsideration, ECF No. 79, is denied.

DATED: December 30, 2014.

UNITED STATES DISTRICT JUDGE