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

ISIAH LUCAS, JR.,

No. CIV S-10-3252-GEB-CMK-P

Plaintiff,

vs.

ORDER

GARY SWARTHOUT, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for reconsideration of the order denying his motion for a preliminary injunction (Doc. 27).

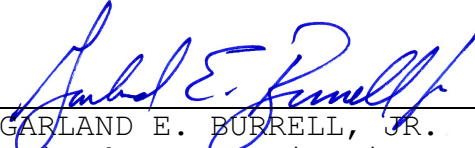
Under Rule 60(b), the court may grant reconsideration of a final judgment and any order based on, among other things: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which, with reasonable diligence, could not have been discovered within ten days of entry of judgment; and (3) fraud, misrepresentation, or misconduct of an opposing party. A motion for reconsideration on any of these grounds must be brought within a reasonable time and no later than one year of entry of judgment or the order being challenged.

See Fed. R. Civ. P. 60(c)(1).

1 Plaintiff provides no adequate reason for the court to reconsider the order denying
2 his motion for preliminary injunction. A review of the order shows no basis for granting
3 reconsideration. There was no mistake, new evidence or misconduct involved. As the court
4 stated in its prior orders, none of the defendants in this action would appear to have any control
5 over plaintiff's cell assignment at his current institution. Nothing in his current motion would
6 indicate otherwise. This court is unable to issue an order against individuals who are not parties
7 to this action. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for
9 reconsideration (Doc. 19) is denied.

10 Dated: November 9, 2011

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GARLAND E. BURRELL, JR.
United States District Judge