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

LEE THIEL PAYNE,

Plaintiff,

No. 2:11-cv-1970 LKK EFB P

vs.

J. MARTIN, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On February 5, 2013, the undersigned dismissed defendant Martin from this action without prejudice. Plaintiff seeks reconsideration of that order.

Local Rule 230(j) requires that a motion for reconsideration state “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion,” and “why the facts or circumstances were not shown at the time of the prior motion.” E.D. Cal., Local Rule 230(j)(3)-(4).

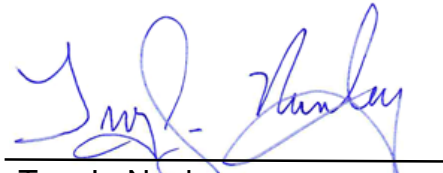
On October 17, 2012 the assigned magistrate judge provided plaintiff with instructions for effecting service of process on defendant Martin and warned plaintiff that failure

1 to comply with the order or to show good cause for such failure would result in a
2 recommendation that defendant Martin be dismissed, citing Fed. R. Civ. P. 4(m). After plaintiff
3 failed to comply with that order, the magistrate judge recommended that defendant Martin be
4 dismissed. Plaintiff failed to file timely objections. Thereafter, the undersigned adopted the
5 magistrate judge's recommendation and dismissed defendant Martin .

6 Through his request for reconsideration, plaintiff fails to demonstrate any new or
7 different facts or circumstances that entitle him to reconsideration of the order of dismissal.

8 Therefore, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration
9 is DENIED.

10 DATED: April 23, 2013

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15 Troy L. Nunley
16 United States District Judge
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