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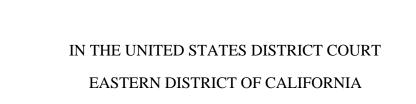
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11 TONY ASBERRY, 11 Plaintiff, 12 v.

MATTHEW CATE, et al.,

Defendants.

No. CIV S- 11-2462 KJM KJN P

ORDER

16 Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 17 42 U.S.C. § 1983, alleging generally that prison officials failed to protect him from an assault by 18 another inmate and failed to provide adequate medical care. In findings and recommendations 19 filed July 23, 2012, the magistrate judge recommended that plaintiff's motion for a preliminary 20 injunction seeking an order directing prison officials to provide him with adequate medical care 21 (ECF No. 50) be denied because it sought relief from individuals who are not parties to the 22 instant lawsuit. ECF No. 56. This court adopted the findings and recommendations in an order 23 filed September 12, 2012, acknowledging plaintiff's objections to the findings and 24 recommendations and stating that upon the *de novo* review of the case as required by 28 U.S.C. 25 § 636(b)(1)(C), it found the findings and recommendations to be supported by the record and by 26 proper analysis. ECF No. 74.

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On September 28, 2012, plaintiff filed a request for reconsideration on the ground
 that "the judge did not give any clue of how the decision was reached. The record is silent in
 this regard." ECF No. 79 at 1. He concludes that he "would like the Judges reasons for the
 courts ruling [*sic*]...." *Id*. at 2.

5 "A district court's power to rescind, reconsider, or modify an interlocutory order is derived from the common law, not from the Federal Rules of Civil Procedure." City of Los 6 7 Angeles v. Santa Monica BayKeeper, 254 F.3d 882, 886 (9th Cir. 2001); McConnell v. Lassen 8 *County*, No. CIV. S-05-0909 FCD DAD, 2008 WL 4482853, at *2 (E.D. Cal. Oct. 3, 2008) 9 ("Where reconsideration of a non-final order is sought, the court has 'inherent jurisdiction to 10 modify, alter, or revoke it." (quoting United States v. Martin, 226 F.3d 1042, 1048-49 (9th Cir. 11 2000)). In addition, Federal Rule of Civil Procedure 54(b) authorizes courts to revise "any order 12 or other decision . . . that adjudicates fewer than all the claims or the rights and liabilities of 13 fewer than all the parties ... at any time before the entry of a judgment adjudicating all the 14 claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(b); Regents v. University of Calif. v. Bernzomatic, No. CIV. 2:10-cv-1224 FCD GGH, 2011 WL 666912, at *2 (E.D. Cal. 15 Feb. 11, 2011). Reconsideration is appropriate where there has been an intervening change in 16 17 controlling law, new evidence has become available, or it is necessary to correct clear error or prevent manifest injustice. Cachil Dehe Band of Wintun Indians v. California, 649 F. Supp. 2d 18 19 1063, 1069 (E.D. Cal. 2009) (citing School Dist. No. 1J Multnomah County, Oregon v. AC&S 20 Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)).

Plaintiff says only that he believes "the ruling was not in accordance with Local
Rule 303(a) and 28 U.S.C. §636(b)(1)" and so has not provided a sufficient basis for this court's
reconsideration of its order. Even if he had, however, the court would not grant reconsideration:
absent "strong evidence to the contrary" an order that states the court has conducted a *de novo*review of the case and considered a party's objections is sufficient. *Pinkston v. Madry*, 440
F.3d 879, 894 (7th Cir. 2006); *Habets v. Waste Mgmt., Inc.*, 363 F.3d 378, 381-82 (5th Cir.

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1	2004) (two sentence order adopting the magistrate's recommendation sufficient under 28 U.S.C.
2	§ 636(b)(1)). Plaintiff's motion for reconsideration (ECF No. 79) is denied.
3	IT IS SO ORDERED.
4	DATED: October 19, 2012.
5	UNITED STATES DISTRICT JUDGE
6 7	UNITED STATES DISTRICT JUDGE
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