

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

5 “A district court's power to rescind, reconsider, or modify an interlocutory order
6 is derived from the common law, not from the Federal Rules of Civil Procedure.” *City of Los*
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*
15 *Calif. v. Bernzomatic*, No. CIV. 2:10-cv-1224 FCD GGH, 2011 WL 666912, at *2 (E.D. Cal.
16 Feb. 11, 2011). Reconsideration is appropriate where there has been an intervening change in
17 controlling law, new evidence has become available, or it is necessary to correct clear error or
18 prevent manifest injustice. *Cachil Dehe Band of Wintun Indians v. California*, 649 F. Supp. 2d
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)).

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

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.

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7 UNITED STATES DISTRICT JUDGE

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