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

RUBEN VALDEZ,

No. 2:12-cv-1352-CMK-P

Plaintiff,

vs.

ORDER

MATTHEW CATE, et al.,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action. Pending before the court is plaintiff’s motion for reconsideration (Doc. 17) of the court’s denial of a temporary restraining order.

Under Rule 60(a), the court may grant reconsideration of final judgments and any order based on clerical mistakes. Relief under this rule can be granted on the court’s own motion and at any time. See Fed. R. Civ. P. 60(a). However, once an appeal has been filed and docketed, leave of the appellate court is required to correct clerical mistakes while the appeal is pending. See id.

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

8 Here, plaintiff argues in his motion that the court's decision was incorrect. He
9 does not claim there is any new evidence or any misconduct. Plaintiff sets forth additional detail
10 as to the factors supporting a temporary restraining order. However, none of the additional
11 information plaintiff provides the court shows the court made a mistake in denying his motion,
12 only that plaintiff disagrees with that decision. A disagreement with the court's decision is not a
13 sufficient basis for the court to grant a motion for reconsideration under Rule 60.

14 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for
15 reconsideration (Doc. 18) is denied.

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17 DATED: June 26, 2013

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE
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