



1 than twenty-eight (28) days after entry of the judgment. See Fed. R. Civ. P. 59(e). Under Rule  
2 59(e), three grounds may justify reconsideration: (1) an intervening change in controlling law; (2)  
3 the availability of new evidence; or (3) the need to correct clear error or prevent manifest  
4 injustice. See Kern-Tulare Water Dist. v. City of Bakersfield, 634 F. Supp. 656, 665 (E.D. Cal.  
5 1986), rev'd in part on other grounds, 828 F.2d 514 (9th Cir. 1987), cert. denied, 486 U.S. 1015  
6 (1988); see also 389 Orange Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999); accord  
7 School Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

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

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

20 Here, petitioner's motion for reconsideration was filed beyond the 28-days  
21 provided in Rule 59(e). However, petitioner's motion fails to raise any grounds for this court to  
22 reconsider its final determination under either Rule 59(e) or Rule 60(b). Other than simply  
23 disagreeing with the court's decision, petitioner provides no specific grounds for this court to find  
24 there was clear error, new evidence, an intervening change in controlling law, misconduct, or a  
25 mistake. Petitioner raises no new grounds in his motion. Rather, he points the court to the  
26 objections he filed in response to the Magistrate Judge's findings and recommendations. The  
27 court previously reviewed his objections, conducted a de novo review of the case, and found the  
28 findings and recommendations to be supported by the record and proper analysis. His current

1 motion provides no new grounds for the court to reconsider that determination.

2 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for  
3 reconsideration (Docs. 19, 21) is denied.

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5 DATED: February 26, 2015

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE

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