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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DENNIS GARDNER,

12 Plaintiff,

13 v.

14 STEVE DARDEN,

15 Defendant.
16

No. 2:12-cv-01963 AC P

ORDER¹

17 Plaintiff commenced this civil rights action pursuant to 42 U.S.C. § 1983, on July 26,
18 2012, shortly after his release from Solano County Jail, challenging the conduct of a Vallejo
19 police officer and seeking a jury trial and damages. ECF No. 1. The court granted plaintiff's
20 request to proceed in forma pauperis but dismissed his original complaint for failure to state a
21 cognizable claim; however, plaintiff was granted leave to file an amended complaint. ECF No. 6.
22 Plaintiff's First Amended Complaint, filed November 2, 2012, was also dismissed for failure to
23 state a claim. ECF No. 12. In explaining the deficiencies in the pleading, the undersigned
24 emphasized that plaintiff was foreclosed from proceeding on his claim for money damages
25 against defendant arresting officer, under Heck v. Humphrey, 512 U.S. 477, 114 S. Ct. 2364
26 (1994). Nevertheless, the court again granted plaintiff leave to file a further amended complaint.

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28 ¹ Plaintiff has consented to the jurisdiction of the magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c), and Local Rule 305(a). (See ECF No. 5.)

1 Id.

2 On January 9, 2013, in light of plaintiff's failure to respond to the court's November 26,
3 2012 order, the court dismissed this action with prejudice due to the noncognizability of
4 plaintiff's claims. ECF No. 13.

5 Commencing four months later, plaintiff filed three notices of change of address
6 (explaining that he had been temporarily incarcerated), a request for information concerning how
7 to reopen this case, and, a year later, the instant motion for reconsideration. See ECF Nos. 15-9.

8 Local Rule 230 requires that a motion for reconsideration include identification of "what
9 new or different facts or circumstances are claimed to exist which did not exist or were not shown
10 upon such prior motion, or what other grounds exist for the motion," and a statement explaining
11 "why the facts or circumstances were not shown at the time of the prior motion." Local Rule
12 230(j)(3), (4). This rule derives from the "law of the case" doctrine, which provides that legal
13 decisions made in a case "should be followed unless there is substantially different evidence . . . ,
14 new controlling authority, or the prior decision was clearly erroneous and would result in
15 injustice." Handi Inv. Co. v. Mobil Oil Corp., 653 F.2d 391, 392 (9th Cir. 1981); see also
16 Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert. denied, 475 U.S. 1064 (1986).

17 In addition, Rule 60, Federal Rules of Civil Procedure, authorizes relief from an order for
18 "any . . . reason that justifies relief," Fed. R. Civ. P. 60(b)(6), subject to an "extraordinary
19 circumstances" standard, so as not to permit "a second bite at the apple," but to avoid inequitable
20 results and accomplish justice, In re Pacific Far East Lines, Inc., 889 F.2d 242, 250 (9th Cir.
21 1989).

22 In the present case, plaintiff's motion for reconsideration states only: "I'm writing this
23 missive in regards to Case No. 2:12-cv-01963 AC request for reconsideration to open this case."
24 ECF No. 19. Plaintiff has not made the requisite showing to obtain reconsideration of the court's
25 dismissal of this action.

26 Accordingly, IT IS HEREBY ORDERED that:


27 1. Plaintiff's motion for reconsideration, ECF No. 19, is denied.

28 2. This action shall remain closed for the reasons set forth in the court's order filed

1 January 9, 2013, ECF No. 13.

2 3. The Clerk of Court is directed to ignore any further filings by plaintiff in this action.

3 DATED: March 6, 2015

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
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