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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS V. RODRIGUEZ,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:12-cv-02688 MCE CKD

ORDER

Plaintiff, a state prisoner, proceeding pro se and in forma pauperis, sought relief through the present action pursuant to 42 U.S.C. § 1983, named dozens of defendants in his First Amended Complaint, and cited a wide range of wrongful acts, including unlawful retaliation, failure to protect, and violations of his rights to due process and equal protections of the law. After dismissing Plaintiff’s complaint once for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 8,¹ Plaintiff was accorded leave to amend and filed his First Amended Complaint (“FAC”) on July 8, 2014. ECF No. 30. Defendants again moved to dismiss, and by Findings and Recommendation issued on August 4, 2014, the assigned Magistrate Judge recommended dismissing the action once again since the FAC had failed to cure the

¹ All further references to “Rule” or “Rules are to the Federal Rules of Civil Procedure unless otherwise noted.


1 defects of Plaintiff's previous pleading. Those Findings and Recommendations were
2 adopted in full by the undersigned on February 23, 2015, and Plaintiff's lawsuit was
3 dismissed with prejudice since any further leave to amend was deemed futile. ECF No.
4 47. Judgment was accordingly entered in Defendant's behalf that same day. ECF No.
5 48.

6 Plaintiff subsequently filed a "Motion for Reconsideration and to Vacate the Order
7 of Dismissal" more than a month later, on April 6, 2015. ECF No. 50. That Motion,
8 which Plaintiff premises on Rule 59(e) and 60(b), was denied, by Order filed May 20,
9 2015 (ECF No. 57), on grounds that Plaintiff had failed to show any different facts or
10 circumstances which did not exist at the time of his prior motion and would have
11 warranted the extraordinary remedy of reconsideration. In the meantime, Plaintiff had
12 filed a Notice of Appeal with the Ninth Circuit which remains pending.

13 Despite the pendency of his appeal, on June 12, 2015 Plaintiff filed a second "Ex
14 Parte Motion for Reconsideration" asking the court to again reconsider its previous
15 decision denying reconsideration. Plaintiff has cited no authority authorizing successive
16 reconsideration requests, and there is none. Plaintiff's remedy at this point, if any, rests
17 with the Ninth Circuit on appeal. The Motion for Reconsideration (ECF No. 60) is
18 DENIED.

19 IT IS SO ORDERED.

20 Dated: July 17, 2015

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24 MORRISON C. ENGLAND, JR., CHIEF JUDGE
25 UNITED STATES DISTRICT COURT
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