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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY C. BONTEMPS,

Plaintiff,

v.

RON BAYNE, et al.,

Defendants.

No. 2:12-cv-2791 CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se with an action pursuant to 42 U.S.C. § 1983. Both parties have consented to this court’s jurisdiction pursuant to 28 U.S.C. § 636(c) and Local Rule 302. Before the court is plaintiff’s August 1, 2013 motion for reconsideration of the July 18, 2013 order revoking plaintiff’s in forma pauperis status. Defendants have filed an opposition.

A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” Id. at 1263.

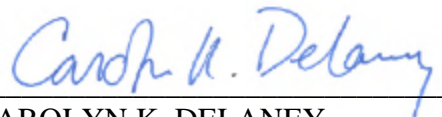
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Plaintiff presents no evidence that the three dismissed actions discussed in the July 18, 2013 order are not “strikes” under 28 U.S.C. § 1915(g). Furthermore, the court finds that, after a de novo review of this case, the revocation of plaintiff’s in forma pauperis status is neither manifestly unjust nor clearly erroneous.

Accordingly, IT IS HEREBY ORDERED THAT plaintiff’s motion for reconsideration (ECF No. 26) is denied.

Dated: August 14, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE