

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

D. CARROLL,
Plaintiff,
v.
WILLIAM KNIPP,
Defendants.

No. 2:13-cv-0215 LKK CKD P

ORDER

On January 28, 2014, plaintiff filed a document the court construes as a motion for reconsideration of this court’s January 9, 2014 order dismissing this action. 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.

Plaintiff does not present newly discovered evidence suggesting this matter should not be dismissed. Furthermore, the court finds that, after a de novo review of this case, the January 9, 2014 order dismissing this case is neither manifestly unjust nor clearly erroneous.

////

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that plaintiff's January 28, 2014 motion for reconsideration (ECF No. 32) is denied.

DATED: March 4, 2014.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT