

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ALLEN,  
Plaintiff,  
v.  
ANDERSON, et al.,  
Defendant

No. 2:13-cv-1458 JAM CKD P

## ORDER

On December 15, 2014, plaintiff filed a document the court construes as a motion for reconsideration of this court’s June 30, 2014 dismissal of this action for plaintiff’s failure to oppose defendants’ motion to dismiss. 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 have been dismissed. Furthermore, the court finds that, after a de novo review of this case, the June 30, 2014 order dismissing this case is neither manifestly unjust nor clearly erroneous.

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1           Accordingly, IT IS HEREBY ORDERED that petitioner's December 15, 2014 motion for  
2 reconsideration (ECF No. 32) is denied.

3           DATED: February 26, 2015

4           /s/ John A. Mendez

5           UNITED STATES DISTRICT COURT JUDGE

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