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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL F. HARRISON,
Plaintiff,
v.
LINDE, et al.,
Defendants.

No. 2:13-cv-1510 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. Judgment was entered for defendants on March 31, 2015. (ECF Nos. 96, 97.) On April 20, 2015, plaintiff filed objections to the March 31, 2015 order (ECF No. 98), which this court construes as a motion for reconsideration of the order.¹ (See ECF No. 101, holding appellate proceedings in abeyance until resolution of “the pending April 20, 2015 motion.”).

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

¹ It is not clear whether plaintiff challenges the judgment itself or merely the characterization of his objections as “untimely.” If the latter, plaintiff’s point is moot, as the order states that his objections were considered. (ECF No. 96 at 1.)

1 discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3)
2 if there is an intervening change in controlling law.” *Id.* at 1263. Plaintiff correctly notes that his
3 objections to the findings and recommendations were due two weeks from an order filed March 5,
4 2015 and therefore were timely filed on March 19, 2015. As noted in the order, the objections
5 were considered by the court in conducting its *de novo* review of the record. (ECF No. 96 at 2.)

6 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration,
7 (ECF No. 98) is granted. The order filed March 31, 2015 is amended at page 1:22-25, to reflect
8 that plaintiff was granted a fourteen day extension of time to file objections on March 5, 2015
9 (ECF No. 92) and that his March 19, 2015 objections were timely filed.

10 DATED: May 1, 2015.

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14 UNITED STATES DISTRICT JUDGE
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