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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	THYRONE CONNOR,	No. 2:13-CV-1685-JAM-CMK-P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	CDC FOLSOM MAIL ROOM,	
15	Defendant.	
16		
17	Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to	
18	42 U.S.C. § 1983. Pending before the court is plaintiff's motion (Doc. 16) for reconsideration of	
19	the court's June 2, 2015, final judgment.	
20	The court may grant reconsideration of a final judgment under Federal Rules of	
21	Civil Procedure 59(e) and 60. Generally, a motion for reconsideration of a final judgment is	
22	appropriately brought under Federal Rule of Civil Procedure 59(e). See Backlund v. Barnhart,	
23	778 F.2d 1386, 1388 (9th Cir. 1985) (discussing reconsideration of summary judgment); see also	
24	Schroeder v. McDonald, 55 F.3d 454, 458-59 (9th Cir. 1995). The motion must be filed no later	
25	than twenty-eight (28) days after entry of the judgment. See Fed. R. Civ. P. 59(e).	
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1	Plaintiff's motion appears to be untimely. Final judgment was entered on June 2,		
2	2015. Plaintiff's motion was filed on July 22, 2015. Because the motion is not dated and is not		
3	accompanied by a proof of service or any statement as to when it was delivered to prison officials		
4	for mailing, it is impossible to assign an earlier filing date pursuant to <u>Houston v. Lack</u> , 487 U.S.		
5	266 (1988).		
6	In any event, plaintiff has not demonstrated grounds for reconsideration. Here,		
7	plaintiff's case was dismissed without prejudice for lack of prosecution. Specifically, plaintiff		
8	failed to resolve the fee status for the case. Contrary to plaintiff's argument that the court failed		
9	to properly consider whether dismissal was an appropriate sanction, a review of the record		
10	reflects that the court considered all the relevant factors. See Findings and Recommendations at		
11	Doc. 12.		
12	Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 16) for		
13	reconsideration is denied.		
14	DATED: October 15, 2015		
15	/s/ John A. Mendez		
16	UNITED STATES DISTRICT COURT JUDGE		
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