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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWIN VALENCIA,

No. 2:13-cv-2068-CMK-P

Plaintiff,

vs.

ORDER

RON BARNES,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has been served or appeared in the action. Pending before the court is plaintiff's motion for reconsideration (Doc. 11) of the court's denial of a temporary restraining order.

Under Rule 60(b), the court may grant reconsideration of a final judgment and any order based on, among other things: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which, with reasonable diligence, could not have been discovered within ten days of entry of judgment; and (3) fraud, misrepresentation, or misconduct of an opposing party. A motion for reconsideration on any of these grounds must be brought within a

1 reasonable time and no later than one year of entry of judgment or the order being challenged.

2 See Fed. R. Civ. P. 60(c)(1).

3 Here, plaintiff disagrees with the court's decision to deny his motion for a
4 temporary restraining order without prejudice. He does not claim there is any new evidence or
5 any misconduct. Plaintiff sets forth additional detail as to the factors supporting a temporary
6 restraining order. However, none of the additional information plaintiff provides the court shows
7 the court made a mistake in denying his premature motion, only that plaintiff disagrees with that
8 decision. A disagreement with the court's decision is not a sufficient basis for the court to grant
9 a motion for reconsideration under Rule 60. Plaintiff has filed a renewed motion, which the
10 court will address separately.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for
12 reconsideration (Doc. 11) is denied.

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14 DATED: December 18, 2014

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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