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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANYA MCDANIEL,
Plaintiff,
v.
DANIEL POWELL, et al.,
Defendants.

No. 2:13-cv-02653-MCE-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). On July 24, 2015, plaintiff filed a declaration and “Motion for Judgment,” requesting that the court enter judgment against defendants. ECF No. 65. This motion is not one contemplated by the Federal Rules of Civil Procedure.

Plaintiff appears to seek reconsideration of the undersigned’s June 5, 2015 order (ECF No. 61) denying her motion to amend (ECF No. 58), and/or the undersigned’s June 16, 2015 order (ECF No. 64) denying her motion for reconsideration of the June 5 order (ECF No. 63). The issue of further amendment of the complaint is addressed substantively in the Findings and Recommendations issued on June 4, 2015, recommending that defendants’ motion to dismiss be granted. ECF No. 60. Petitioner has objected to the Findings and Recommendations, ECF No. 62, and the district judge has not yet ruled.

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1 In her most recent filing, plaintiff re-asserts arguments she made in her motion for
2 reconsideration of the court's order denying leave to amend. See ECF No. 63. Specifically,
3 plaintiff asserts she was misled by a court clerk, who told her not to attach her proposed amended
4 complaint to her motion for leave to amend. ECF No. 65 at 2. In addition, plaintiff argues that
5 the undersigned generally failed to consider the arguments included in her first motion for
6 reconsideration. ECF No. 65 at 3. The court previously addressed these arguments in its order
7 denying plaintiff's first motion for reconsideration. See ECF No. 64. Plaintiff's motion does not
8 include new facts or other grounds that would merit the reconsideration of defendants' motion to
9 dismiss. See Local Rule 230(j); Cachil Dehe Band of Wintun Indians of Colusa Indian Cmty. v.
10 California, 649 F. Supp. 2d 1063, 1069 (E.D. Cal. 2009). Moreover, even if plaintiff had
11 presented a cognizable basis for reconsideration, that would not entitle her to entry of judgment
12 against the defendants.

13 Because the motion filed at ECF No. 65 seeks relief not authorized by the rules or by
14 applicable law, THE COURT HEREBY ORDERS the motion STRICKEN. Plaintiff is informed
15 that the district judge will consider the availability of amendment in ruling on the Findings and
16 Recommendations regarding defendants' motion to dismiss.

17 DATED: July 28, 2015

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19 /s/ Allison Claire
20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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