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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERMAN TIEMENS, JR.,  
Plaintiff,  
v.  
BRIAN DUFFY, et al.,  
Defendants.

No. 2:14-cv-1461 CKD P

ORDER

On December 10, 2014, plaintiff filed a motion for reconsideration of this court’s October 9, 2014 order dismissing plaintiff’s complaint with leave to amend.<sup>1</sup> A 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 would be appropriate in this instance if the court committed clear error, the initial decision is manifestly unjust, or if there has been an intervening change in controlling law. Id. at 1263. The court did not commit clear error, the decision to dismiss plaintiff’s complaint with leave to amend is not manifestly unjust and there has not been a change in the law.

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<sup>1</sup> Plaintiff has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's December 10, 2014 motion for reconsideration (ECF No. 17) is denied.

2. Plaintiff is granted 21 days within which to file his amended complaint. If plaintiff fails to file his amended complaint within 21 days, this action will be dismissed.

Dated: December 17, 2014

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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