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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RYAN J. DUERST,
Plaintiff,
v.
PLACER COURT, et al.,
Defendants.

No. 2:14-cv-01774-GEB-AC

**ORDER DENYING MOTION TO ALTER OR
AMEND JUDGMENT AND STRIKING
REQUEST FOR DECLARATORY RELIEF***

On December 4, 2014, an Order was filed which adopted the Magistrate Judge's October 31, 2014 Findings and Recommendations in full and dismissed Plaintiff's First Amended Complaint with prejudice. (Order, ECF No. 9.) Judgment was entered accordingly on the same day. (Judgment, ECF No. 10.)

On December 12, 2014, Plaintiff moved under Federal Rule of Civil Procedure ("Rule") 59(e) to alter or amend the judgment. (Pl.'s Mot. to Alter or Amend J. ("Mot."), ECF No. 12.) Plaintiff also requested on the same date "a DECLARATORY JUDGMENT on all laws stated and cited in the [First Amended Complaint] and in the Objections to Magistrates Findings and Recommendations in this case and the remedies sought." (Pl.'s Req. for Declaratory J., ECF No. 12.)

* These matters are suitable for decision without oral argument. See E.D. Cal. R. 230(g).

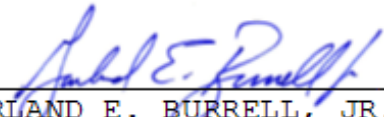
1 In general, there are four basic grounds upon
2 which a Rule 59(e) motion may be granted: (1)
3 if such motion is necessary to correct
4 manifest errors of law or fact upon which the
5 judgment rests; (2) if such motion is
6 necessary to present newly discovered or
previously unavailable evidence; (3) if such
7 motion is necessary to prevent manifest
8 injustice; or (4) if the amendment is
9 justified by an intervening change in
10 controlling law.

11 Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011).
12 However, "amending a judgment after its entry [is] an
13 extraordinary remedy which should be used sparingly." Id.
14 (internal quotation marks and citation omitted).

15 Plaintiff has not made an adequate showing under any of
16 the referenced grounds for amendment of judgment. Rather, he
17 reiterates many of the contentions made in his Objections to the
18 Magistrate Judge's Findings and Recommendations, which the Court
19 considered in adopting the Magistrate Judge's Findings and
20 Recommendations. Therefore, Plaintiff's Rule 59(e) motion is
21 DENIED.

22 Further, Plaintiff's request for declaratory relief is
23 stricken since it was improperly filed after judgment was
24 entered.

25 Dated: December 19, 2014

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GARLAND E. BURRELL, JR.
Senior United States District Judge