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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AVON DAVIES,
Plaintiff,
v.
M. DELAVEGA, et al.,
Defendants.

No. 2:14-cv-2831 CKD P

ORDER

Plaintiff, a California prisoner proceeding pro se, has filed a motion asking that the court reconsider its March 8, 2016 screening order. Plaintiff has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c). 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 is appropriate if the court committed clear error, the initial decision was manifestly unjust, or if there is an intervening change in controlling law. See id. at 1263.

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1 There has been no change in the law and plaintiff fails to point to any aspect of the court's
2 screening order which is erroneous or manifestly unfair.¹

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for reconsideration (ECF No. 41) is denied.

5 2. Plaintiff shall provide the documents described in the court's March 8, 2016 screening
6 order within 21 days. Failure to provide those documents within 21 days will result in dismissal.

7 Dated: April 14, 2016



8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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26 ¹ In his motion, plaintiff asserts he has complied with the California Tort Claims Act with respect
27 to his claims arising under state law. However, as plaintiff was informed in the court's screening
28 order at note 1, this must be pled. If plaintiff wishes to amend his complaint to plead compliance
with the California Tort Claims Act, he must file a motion seeking leave to amend, along with a
copy of his proposed Fourth Amendment complaint. In the motion, plaintiff must explain his
delay in pleading compliance.