1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GERALD EDMUND NICHOLS, No. 2:15-cv-1299 MCE CKD P 12 Plaintiff, 13 <u>ORDER</u> v. 14 PLUMAS COUNTY CORRECTIONAL FACILITY, 15 Defendant. 16 17 18 19 Plaintiff, a county jail inmate proceeding pro se, filed this civil rights action pursuant to 42 20 U.S.C. § 1983. In an Order dated October 5, 2015, the Court dismissed Plaintiff's First Amended 21 Complaint with prejudice for failure to state a claim upon which relief may be granted. ECF No. 22 14. Plaintiff has filed a Motion to Alter or Amendment Judgement, which asks that the Court 23 reconsider the October 5, 2015 Order. ECF No. 16. 24 A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) 25 or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th 26 Cir. 1993). "Reconsideration is appropriate if the district court (1) is presented with newly 27 discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) 28 1

1	if there is an intervening change in controlling law." <u>Id.</u> at 1263. Here, the Court's October 5,
2	2015 Order was not clearly erroneous nor manifestly unjust, and none of the other factors apply.
3	Accordingly, Plaintiff's Motion to Alter or Amendment Judgement (ECF No. 16) is
4	DENIED.
5	IT IS SO ORDERED.
6	Dated: November 23, 2015
7	Marin Marin.
8	MORRISON C. ENGLAND, JR., CHIEF JUDGE UNITED STATES DISTRICT COURT
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