

1 F.3d 892, 898-99 (9th Cir. 2001). A motion may be construed under Rule 59 or Rule 60
2 even though it is not labeled as such, or not labeled at all. Taylor, 871 F.2d at 805.
3 Since Plaintiff's Motion was filed more than twenty-eight days from the entry of judgment
4 and seeks relief from a final judgment, the Court will treat it as a motion under Rule
5 60(b).

6 Rule 60(b) provides for reconsideration of a final judgment or any order where
7 one of more of the following is shown: (1) mistake, inadvertence, surprise, or excusable
8 neglect; (2) newly discovered evidence which, with reasonable diligence, could not have
9 been discovered within twenty-eight days of entry of judgment; (3) fraud,
10 misrepresentation, or misconduct of an opposing party; (4) voiding of the judgment; (5)
11 satisfaction of the judgment; and (6) any other reason justifying relief. Fed. R. Civ. P.
12 60(b). A motion for reconsideration on any of these grounds must be brought within a
13 reasonable time, and no later than one year, of the entry of the judgment or the order
14 being challenged. Id. Additionally, Local Rule 230(j) requires a party filing a motion for
15 reconsideration to show the "new or different facts or circumstances claimed to exist
16 which did not exist or were not shown upon such prior motion, or what other grounds
17 exist for the motion." E.D. Cal. Local Rule 230(j).

18 A court should be loathe to revisit its own decisions unless extraordinary
19 circumstances show that its prior decision was clearly erroneous. Christianson v. Colt
20 Indus. Operating Corp., 486 U.S. 800, 817 (1988). This principle is embodied in the law
21 of the case doctrine, under which "a court is generally precluded from reconsidering an
22 issue that has already been decided by the same court, or a higher court in the identical
23 case." United States v. Alexander, 106 F.3d 874, 876 (9th Cir. 1997) (quoting Thomas
24 v. Bible, 983 F.2d 152, 154 (9th Cir. 1993)). Mere dissatisfaction with the court's order,
25 or belief that the court is wrong in its decision, is not grounds for relief under Rule 60(b).
26 Twentieth Century-Fox Film Corp. v. Dunnahoo, 637 F.2d 1338, 1341 (9th Cir. 1981).
27 Accordingly, a district court may properly deny a motion for reconsideration that simply
28 reiterates an argument already presented by the petitioner. Maraziti v. Thorpe, 52 F.3d

1 252, 255 (9th Cir. 1995). The decision to grant or deny a motion for relief from judgment
2 pursuant is addressed to the sound discretion of the district court. Turner v. Burlington
3 N. Santa Fe R.R., 338 F.3d 1058, 1063 (9th Cir. 2003); Harman v. Harper, 7 F.3d 1455,
4 1458 (9th Cir. 1993).

5 Here, Plaintiff has failed to meet its burden under Rule 60(b). Specifically,
6 Plaintiff's Motion argues that if he had appointed counsel, he would be able to plead his
7 case in a way that would avoid dismissal. Plaintiff's Motion, however, fails to address
8 any of Rule 60(b)'s factors justifying relief from a final judgment. Furthermore, it is not
9 apparent that Plaintiff ever requested that counsel be appointed for him before his case
10 was dismissed. Accordingly, Plaintiff's Motion (ECF No. 30) is DENIED.

11 IT IS SO ORDERED.

12 Dated: August 30, 2016

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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