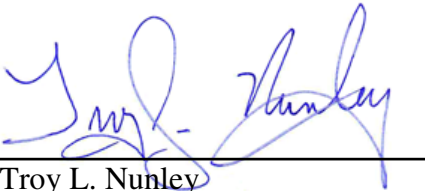


1 On February 21, 2021, Plaintiff filed a second motion for reconsideration.² (ECF No.
2 207.) That motion, also filed pursuant to Rule 59(e), is denied as untimely. *See* Fed. R. Civ. P.
3 59(e) (motion to alter or amend a judgment must be filed no later than 28 days after the entry of
4 judgment). Even liberally construed as a Rule 60(b) motion, it is denied.

5 Rule 60(b) provides for reconsideration of a final judgment where one of more of the
6 following is shown: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly
7 discovered evidence which, with reasonable diligence, could not have been discovered within
8 twenty-eight days of entry of judgment; (3) fraud, misrepresentation, or misconduct of an
9 opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment; and (6) any other
10 reason justifying relief. Fed. R. Civ. P. 60(b). In his motion, Plaintiff “seeks to explain himself”
11 and his position as it relates to obtaining his attendance for trial in this case. (ECF No. 207 at 1.)
12 Plaintiff’s change in position (or clarification thereof) does not satisfy the Rule 60(b) standards.
13 Indeed, a motion for reconsideration “may *not* be used to raise arguments or present evidence for
14 the first time when they could reasonably have been raised earlier in the litigation.” *Marlyn*
15 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting
16 *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)).

17 Accordingly, IT IS ORDERED that Plaintiff’s February 21, 2021 Motion to Reconsider
18 (ECF No. 207) is DENIED.

19 DATED: April 30, 2021

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22 Troy L. Nunley
United States District Judge

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² The second motion was entered on the docket on February 26, 2021.