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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON WITKIN,  
Plaintiff,  
v.  
KEVIN M., et al.,  
Defendants.

No. 2:15-cv-2493 KJM CKD P

ORDER

This pro se prisoner action was dismissed for failure to state a claim on September 27, 2016. (ECF No. 20.) Before the court is plaintiff’s motion for reconsideration of the judgment. (ECF No. 22.)

A district 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 district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *Id.* at 1263. Here, the court’s decision to dismiss this action was not clearly erroneous nor manifestly unjust, and none of the other factors apply.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration (ECF No. 22) is denied.

DATED: March 6, 2017

  
UNITED STATES DISTRICT JUDGE