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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. BESOYAN,
Plaintiff,
v.
SACRAMENTO COUNTY, et al.,
Defendants.

No. 2:16-cv-46-KJM-EFB PS

ORDER

Plaintiff's motion for reconsideration is before the court. Mot., ECF No. 21. Plaintiff seeks reconsideration of this court's order adopting the magistrate judge's findings and recommendations. Adoption Order, ECF No. 19. A motion for reconsideration or relief from a judgment is appropriately brought under either Rule 59(e) or Rule 60(b). *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1442 (9th Cir. 1991) (citing *Taylor v. Knapp*, 871 F.2d 803, 805 (9th Cir. 1989)). Although plaintiff does not identify the basis of his motion, the court construes this as a motion for relief from a judgment or order under Rule 60(b) because it was not filed within the 28-day window required by Rule 59. See *Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001). Relief under Rule 60(b) should not be granted absent "extraordinary circumstances" showing a significant change in facts or law. *Delay v. Gordon*, 475 F.3d 1039, 1044 (9th Cir. 2007) (quoting *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993)). The moving party must show the court either committed a clear

1 error, applied the wrong law, or rested its decision on clearly erroneous findings of fact. *Delay v.*
2 *Gordon*, 475 F.3d 1039, 1043 (9th Cir. 2007) (quoting *SEC v. Coldicutt*, 258 F.3d 939, 941 (9th
3 Cir. 2001). Similarly, Local Rule 230(j)(3)–(4) requires that a movant seeking reconsideration
4 identify “what new or different facts or circumstances” exist, or any other grounds, to justify
5 reconsideration of a court’s prior order. E.D. Cal. R. 230(j)(3)–(4).

6 Here, plaintiff identifies no new facts, extraordinary circumstances or other
7 grounds to justify relief from the court’s prior order. Just as with his first amended complaint, *see*
8 ECF No. 16, plaintiff’s motion for reconsideration consists of 55 pages of wide ranging and often
9 indiscernible factual and legal contentions. *See generally* Mot. Such nebulous assertions provide
10 no grounds upon which the court can reasonably reconsider its adoption of the magistrate judge’s
11 findings and recommendations. For this reason, the motion for reconsideration, ECF No. 21, is
12 DENIED.

13 IT IS SO ORDERED.

14 DATED: June 12, 2019.

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UNITED STATES DISTRICT JUDGE