

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON STRIBLING,
Plaintiff,
v.
R. MOTT, et al.,
Defendants.

No. 2:16-cv-0400 CKD P

ORDER

This action was dismissed without prejudice on June 14, 2016. (ECF No. 13.) Before the court is plaintiff’s motion for reconsideration of the judgment. (ECF No. 15.)

A district court¹ 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 without prejudice was not clearly erroneous nor manifestly unjust, and none of the other factors apply.

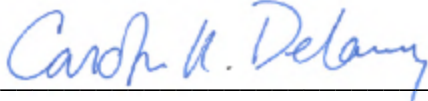
¹ Plaintiff has consented to the jurisdiction of a Magistrate Judge to conduct all proceedings in this action. (ECF No. 5.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff is advised that documents filed by plaintiff since the closing date will be disregarded and no orders will issue in response to future filings.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to alter judgment (ECF No. 15) is denied.

Dated: August 12, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2 / stri0400.R60(2)