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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMEL LARRY BRAY,  
Petitioner,  
v.  
PEOPLE OF THE STATE OF CALIFORNIA,  
Respondent.

No. 2:16-cv-802 JAM CKD P

ORDER

Before the court is petitioner’s October 17, 2016 motion to alter or amend the judgment entered on August 30, 2016, dismissing this action without prejudice. 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, having reviewed petitioner’s motion and the record of this action, the court has determined that none of these three conditions apply.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for reconsideration (ECF No. 9) is denied.

DATED: January 5, 2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE