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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT F. MILES,
Plaintiff,
v.
CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES,
Defendant.

No. 2:16-cv-1323 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. Plaintiff consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). On December 5, 2016, this action was dismissed without prejudice based on plaintiff’s failure to demonstrate standing to sue in federal court. In response, plaintiff filed a document styled, “Objections to Magistrate Judge’s Findings and Recommendations,” and provided numerous exhibits. The undersigned construes plaintiff’s objections as a request for reconsideration of this court’s December 5, 2016 order.

Legal Standards

Although motions to reconsider are directed to the sound discretion of the court, Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981), considerations of judicial economy weigh heavily in the process. Thus Local Rule 230(j) requires that a party

1 seeking reconsideration of a court’s order must brief the “new or different facts or circumstances
2 [which] were not shown upon such prior motion, or what other grounds exist for the motion.” Id.
3 “[A] motion for reconsideration should not be granted, absent highly unusual circumstances,
4 unless the district court is presented with newly discovered evidence, committed clear error, or if
5 there is an intervening change in the controlling law.” Marlyn Nutraceuticals, Inc. v. Mucos
6 Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (quotation omitted).

7 Discussion

8 In the objections, plaintiff reiterates his claim that prison officials’ failure to encrypt the
9 information on the stolen laptop violates various prison regulations and state laws. However, as
10 the court previously explained, any violation of state tort law, state regulations, rules and policies
11 of the department of corrections, or other state law is not sufficient to state a claim for relief under
12 § 1983. (ECF No. 8 at 5.) Absent a cognizable civil rights claim, the court declines to exercise
13 supplemental jurisdiction over any putative state law claim. (ECF No. 8 at 6.)

14 Plaintiff also claims that it was his intention to name individuals as defendants rather than
15 the state agencies named in his pleading, and also claims he was not required to exhaust
16 administrative remedies. However, the instant action was not dismissed based on an alleged
17 failure to exhaust administrative remedies. Moreover, while the undersigned found plaintiff
18 named improper defendants, the court noted that even assuming plaintiff could substitute
19 appropriate individuals as defendants, “the speculative allegations of the pleading still fail to
20 establish that plaintiff has standing because he cannot show an injury-in-fact.” (ECF No. 8 at 4.)

21 Plaintiff’s objections again fail to demonstrate plaintiff suffered an actual injury sufficient
22 to provide plaintiff standing. Because it is unknown whether plaintiff’s sensitive information was
23 compromised, he cannot state a claim for relief based on such “speculative breach of his sensitive
24 information.” (ECF No. 8 at 5.) Therefore, plaintiff fails to demonstrate that he is entitled to
25 reconsideration of the December 5, 2016 order.

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Therefore, IT IS HEREBY ORDERED that:

1. Plaintiff's objections (ECF No. 10) are construed as a motion for reconsideration; and
2. Plaintiff's motion (ECF No. 10) is denied.

Dated: June 16, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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