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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,
Plaintiff,
v.
NAPA STATE HOSPITAL,
Defendant.

No. 2:16-cv-02536-TLN-DB

ORDER

On September 28, 2017, the magistrate judge filed findings and recommendations herein, which were served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 5.) Plaintiff did not file any objections to the findings and recommendations. On January 8, 2018, this Court adopted the findings and recommendations, and Plaintiff’s First Amended Complaint (ECF No. 4) was dismissed without leave to amend. (ECF No. 6.) The case was accordingly closed.

On March 8, 2018, Plaintiff filed a document titled “Request for Reconsideration.” (ECF No. 8.) In his request, Plaintiff vaguely argues that he lost track of time due to mental illness and was incarcerated when his case was closed. (ECF No. 8.) The Court construes this as a motion for reconsideration pursuant to Rule 59(e) of the Federal Rules of Civil Procedure.

Rule 59(e) states, “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). The Court filed its Order (ECF No.

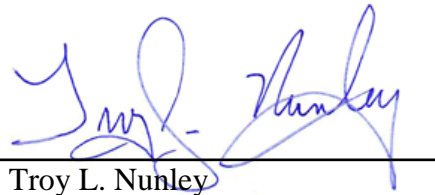
1 6) on January 8, 2018. Plaintiff filed the instant motion (ECF No. 8) on March 8, 2018, two
2 months after the entry of judgment. Therefore, Plaintiff's motion for reconsideration is untimely.

3 Moreover, "[u]nder Rule 59(e), a motion for reconsideration should not be granted, absent
4 highly unusual circumstances, unless the district court is presented with newly discovered
5 evidence, committed clear error, or if there is an intervening change in the controlling law." 389
6 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). The Court has carefully
7 reviewed the entire file, including Plaintiff's request (ECF No. 8). The Court still finds the
8 findings and recommendations to be supported by the record and by proper analysis. Simply put,
9 Plaintiff's motion is untimely, and the Rule 59(e) standard is not met here. Consequently, this
10 case is closed.

11 For the foregoing reasons, Plaintiff's motion for reconsideration (ECF No. 8) is hereby
12 DENIED. The Clerk of Court is directed to close this case.

13 IT IS SO ORDERED.

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15 Dated: October 3, 2018

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19 Troy L. Nunley
20 United States District Judge
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