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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICA HOEFT,
Plaintiff,
v.
AL BALLON,
Defendant.

No. 2:16-cv-02615 CKD (PS)

ORDER

On October 3, 2017, the undersigned granted defendant’s motion to dismiss the Second Amended Complaint and dismissed this action with prejudice. (ECF No. 49.) Before the court is plaintiff’s motion for reconsideration of the judgment. (ECF No. 51.) Defendant has not filed a response.

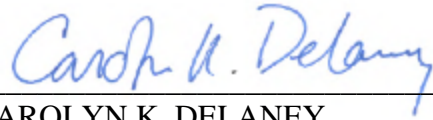
A district court¹ may reconsider a ruling under either Federal Rule of Civil Procedure 59(e) or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (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 with prejudice was not clearly erroneous nor manifestly unjust, and

¹ The parties have consented to the jurisdiction of a Magistrate Judge to conduct all proceedings in this action. (ECF No. 20.)

1 none of the other factors apply.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration (ECF
3 No. 51) is denied.

4 Dated: November 29, 2017



5 _____
6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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