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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY ANDERSON,
Plaintiff,
v.
SCOTT KERNAN, et al.,
Defendants.

No. 2:16-cv-2852 CKD P

ORDER

Plaintiff, a California prisoner proceeding pro se, has filed a motion asking that the court reconsider its June 14, 2017 order dismissing this case. Plaintiff has consented to having all matters in this action before a United States Magistrate Judge. See 28 U.S.C. 636(c).

A 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.

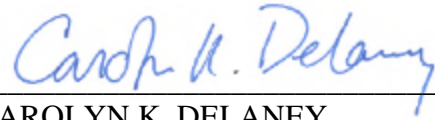
Plaintiff does not present newly discovered evidence suggesting this matter should not have been dismissed.¹ Furthermore, the court finds that, after a de novo review, the court did not commit clear error in dismissing this case, dismissal is not manifestly unjust, and the law has not

¹ Plaintiff’s complaint was dismissed because he “struck out” under 28 U.S.C. § 1915(g) and failed to pay the required filing fee when his application proceed in forma pauperis was denied. (See, ECF Nos. 11 and 16.)

1 changed.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration (ECF
3 No. 18) is denied.

4 Dated: June 29, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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