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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 MICHAEL AARON WITKIN,

12 Plaintiff,

13 v.

14 M. LEE,

15 Defendants.  
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No. 2:17-cv-0232-JAM-EFB P

ORDER

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
18 U.S.C. § 1983. On July 29, 2020, the court dismissed this action with prejudice pursuant to 28  
19 U.S.C. § 1915(e)(2)(A). ECF No. 54. Judgment was duly entered. ECF No. 55. Plaintiff now  
20 moves for relief from judgment. ECF No. 56.

21 “[A] motion for reconsideration should not be granted, absent highly unusual  
22 circumstances, unless the district court is presented with newly discovered evidence, committed  
23 clear error, or if there is an intervening change in the controlling law.” 389 Orange St. Partners v.  
24 Arnold, 179 F.3d 656, 665 (9th Cir. 1999) (analyzing Federal Rule 59(e) of Civil Procedure,  
25 providing for the alteration or amendment of a judgment); see also E.D. Cal. Local Rule 230(j)  
26 (requiring that a motion for reconsideration explain why any new or different facts or  
27 circumstances were not previously presented to the court). In addition, Rule 60(b) of the Federal  
28 Rules of Civil Procedure provides for reconsideration of a final judgment where one of more of

1 the following is shown: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly  
2 discovered evidence which, with reasonable diligence, could not have been discovered within  
3 twenty-eight days of entry of judgment; (3) fraud, misrepresentation, or misconduct of an  
4 opposing party; (4) voiding of the judgment; (5) satisfaction of the judgment; and (6) any other  
5 reason justifying relief. Fed. R. Civ. P. 60(b).

6 Plaintiff's motion (ECF No. 56) advances arguments (see ECF Nos. 51 & 53) that have  
7 previously been presented to and rejected by the court (ECF No. 54). Plaintiff's motion thus fails  
8 to satisfy the Rule 60(b) standards.

9 Accordingly, IT IS ORDERED that plaintiff's motion for relief from judgment (ECF No.  
10 56), is DENIED.

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12 DATED: September 9, 2020

13 /s/ John A. Mendez

14 UNITED STATES DISTRICT COURT JUDGE  
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