

1 With respect to plaintiff's motion to reconsider the order dismissing this case, a motion for
2 reconsideration or relief from a judgment is appropriately brought under either Rule 59(e) or Rule
3 60(b) of the Federal Rules of Civil Procedure. Fuller v. M.G. Jewelry, 950 F.2d 1437, 1442 (9th
4 Cir. 1991) (citing Taylor v. Knapp, 871 F.2d 803, 805 (9th Cir. 1989)). The motion "is treated as
5 a motion to alter or amend judgment under Federal Rule of Civil Procedure 59(e) if it is filed
6 [within the time provided by that Rule]. Otherwise, it is treated as a Rule 60(b) motion for relief
7 from a judgment or order." Am. Ironworks & Erectors, Inc. v. N. Am. Constr. Corp., 248 F.3d
8 892, 898-99 (9th Cir. 2001) (citations omitted). Since petitioner's motion for reconsideration was
9 filed within twenty-eight days of the entry of judgment, the motion is considered under Rule
10 59(e).

11 "Under Rule 59(e), a motion for reconsideration should not be granted, absent highly
12 unusual circumstances, unless the district court is presented with newly discovered evidence,
13 committed clear error, or if there is an intervening change in the controlling law." 389 Orange St.
14 Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999) (citation omitted). As with the request to
15 reconsider the denial of plaintiff's request to proceed in forma pauperis, the request to reconsider
16 denial of this case is largely presented in Spanish, and the portion written in English does not
17 present any new evidence or other grounds for reconsideration.

18 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration, ECF
19 No. 23, is DENIED.

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22 DATED: April 26, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE