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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Tommy Roy Keeton,

Plaintiff,

v.

Jeff Lynch, et al.,

Defendants.

No. 2:20-cv-2270-KJM-EFB

ORDER

Plaintiff Tommy Roy Keeton moves for reconsideration of this court’s order adopting the Magistrate Judge’s findings and recommendations. *See* Mot. Recons., ECF No. 24. Specifically, the court denied Mr. Keeton’s application to proceed in forma pauperis and ordered him to pay the \$402 filing fee within fourteen days from the date of the order, cautioning him that failure to do so will result in the dismissal of this action. *See* Order, ECF No. 23. “Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999) (citation omitted). Since the court’s order, Mr. Keeton alleges that he has been moved to a different facility where he has been deprived of a mattress, bedding, and clothing and that he is facing retaliation from prison officials for filing this action. Mot. Recons. at 1–2.

1 While these allegations are troubling, Mr. Keeton still does not demonstrate he is eligible to  
2 proceed in forma pauperis.

3 Thus, the court **denies** Mr. Keeton's motion for reconsideration. Moreover, this action is  
4 **dismissed** because Mr. Keeton has not paid the \$402 filing fees despite the court's warning. This  
5 case is CLOSED.

6 This order resolves ECF No. 24.

7 IT IS SO ORDERED.

8 DATED: July 29,2022  
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CHIEF UNITED STATES DISTRICT JUDGE