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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 MICHAEL J. HICKS,

No. C 08-1146 SI (pr)

10 Plaintiff,

**ORDER DENYING MOTION FOR
RECONSIDERATION**

11 v.

12 M. S. EVANS, warden,


13 Defendant.
14 _____/

15 Plaintiff filed a request for reconsideration of the court's order granting summary
16 judgment for defendants. In support of that request, he also filed a request for judicial notice of
17 the reporter's transcript of a June 28, 2007 hearing in the *Whitted* action in Sacramento County
18 Superior Court. The request for judicial notice is GRANTED. (Docket # 123.) The *Whitted*
19 transcript does nothing to aid plaintiff's cause; indeed, it provides even more evidence that he
20 dug in his heels in his demand for a law library or "law computer" rather than attempt to make
21 use of the paging system that was available. As the court explained at pages 8-9 of the order
22 granting summary judgment for defendants, *Lewis v. Casey*, 518 U.S. 343, 350-51 (1996),
23 doesn't support insistence on a particular means to do legal research. The request for
24 reconsideration is DENIED because he has not presented newly discovered evidence, showed
25 that the court committed clear error, or identified an intervening change in the law that affects
26 this case. See *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc). (Docket
27 # 122.)
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1 At plaintiff's request, the court construed Docket # 120 to be a notice of appeal. All
2 further motions must be filed in the Ninth Circuit.

3 IT IS SO ORDERED.

4 Dated: November 30, 2012

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6 SUSAN ILLSTON
7 United States District Judge
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