

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3 OLUCHI NNACHI,

4 Plaintiff(s),

No. C 09-04099 MEJ

5 v.

6 CITY & COUNTY OF SAN FRANCISCO,

**ORDER DENYING REQUEST FOR
APPEAL**

7 Defendant(s).
_____ /

8
9 The Court is in receipt of Plaintiff's "Memorandum Appeal," filed January 29, 2010. (Dkt.
10 #29.) Although Plaintiff requests an "appeal hearing" before this Court, any appeal is properly
11 brought before the Ninth Circuit Court of Appeals, and not this district court. Accordingly, the
12 Court shall construe Plaintiff's filing as a Motion for Reconsideration under Civil Local Rule 7-9.
13 Under this Rule, Plaintiff must specifically show:

14 (1) That at the time of the motion for leave, a material difference
15 in fact or law exists from that which was presented to the Court
16 before entry of the interlocutory order for which reconsideration
17 is sought. The party also must show that in the exercise of reasonable
18 diligence the party applying for reconsideration did not know such
19 fact or law at the time of the interlocutory order; or

20 (2) The emergence of new material facts or a change of law occurring
21 after the time of such order; or

22 (3) A manifest failure by the Court to consider material facts or
23 dispositive legal arguments which were presented to the Court before
24 such interlocutory order.

25 Civil Local Rule 7-9(b). As Plaintiff has failed to establish either of the three requirements under
26 Rule, 7, his request for reconsideration is hereby DENIED.

27 **IT IS SO ORDERED.**

28 Dated: February 2, 2010



Maria-Elena Torres
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

OLUCHI NNACHI,

Plaintiff,

v.

CITY & COUNTY OF SAN FRANCISCO et al,

Defendant.

Case Number: CV09-04099 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 2, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Oluchi Nnachi
784 Alcatraz Avenue
Oakland, ca 94609

Dated: February 2, 2010

Richard W. Wiekling, Clerk
By: Brenda Tolbert, Deputy Clerk

**UNITED STATES DISTRICT COURT
For the Northern District of California**

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