UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

Plaintiff,

v.

D.E. MILLIGAN, et al.,

Defendants.

/

No. C 09-4665 SI (pr)

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT JUDGMENT

(Docket no. 92)

Marcus L. Harrison, an inmate at Pelican Bay State Prison, filed a pro se civil rights action under 42 U.S.C. § 1983, asserting a First Amendment claim regarding the confiscation of certain outgoing and incoming mail. On September 21, 2011, the court granted in part and denied in part defendants' summary judgment motion. Docket no. 20. On March 8, 2013, after further briefing by the parties, the court granted in full defendants' second motion for summary judgment and entered judgment in favor of all defendants. Docket nos. 90, 91. Harrison has moved to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Defendants have opposed the motion.

A motion for reconsideration under Rule 59(e) 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. McDowell v. Calderon, 197 F.3d 1253, 1254 (9th Cir. 1999) (quotation and citation omitted).

The Court has reviewed Harrison's motion and his declaration and other evidence in

support thereof. He objects to the court's findings and conclusions on summary judgment, but he has not presented any newly discovered evidence that was not before the court when it ruled on defendants' motions, shown that the court committed clear error, or shown that there has been an intervening change in the controlling law that would change the court's ruling. Accordingly, the motion for reconsideration under Rule 59(e) is DENIED.

This order terminates Docket no. 92.

IT IS SO ORDERED.

Dated: August 15, 2013

SUSAN ILLSTON
United States District Judge

Dated:

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SUSAN ILLSTON

United States District Judge