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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 BERNARD LEE HAMILTON,

No. C 10-3682 SI (pr)

8 Plaintiff,

**ORDER DENYING MOTION FOR
RECONSIDERATION**

9 v.


10 COLLEEN SHOOPMAN; et al.,

11 Defendants.
12 _____/

13 This action was dismissed because plaintiff failed to accomplish service of process on
14 defendants in more than twenty months and failed to show good cause for not having done so.
15 Plaintiff has filed a "request for reconsideration and/or to vacate order of dismissal." Docket #
16 30. Plaintiff urges in his motion that there is an alternative way *for the court* to attempt to
17 accomplish service of process. His argument ignores that (a) he specifically was informed that
18 *he* had to accomplish the service of process due to his non-pauper status, and (b) *he* could have
19 attempted to use a request for waiver of service but chose not to do so in the 20+ months he
20 knew of his obligation to accomplish service of process. A motion for reconsideration under
21 Federal Rule of Civil Procedure 59(e) "should not be granted, absent highly unusual
22 circumstances, unless the district court is presented with newly discovered evidence, committed
23 clear error, or if there is an intervening change in the law." *McDowell v. Calderon*, 197 F.3d
24 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc). Plaintiff's request for reconsideration
25 is DENIED because he has not shown newly discovered evidence, clear error, or an intervening
26 change in the law. (Docket # 30.)

27 IT IS SO ORDERED.

28 Dated: May 3, 2013



SUSAN ILLSTON
United States District Judge