

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 JAMES E. ROJO,
4 Plaintiff,
5 v.
6 DARREN BRIGHT, et al.,
7 Defendants.
8

Case No. [12-cv-02518-VC](#)

**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT
UNDER RULE 59(E)**

Re: Dkt. No. 83

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10 Plaintiff James E. Rojo, a state prisoner, filed a *pro se* civil rights complaint. On July 29,
11 2015, the Court issued an order granting the defendants' motion for dismissal and for summary
12 judgment and entered judgment in favor of the defendants. On August 14, 2015, Rojo filed a
13 motion to alter or amend the judgment under Rule 59(e) of the Federal Rules of Civil Procedure.

14 "Under Rule 59(e), it is appropriate to alter or amend a judgment if '(1) the district court is
15 presented with newly discovered evidence, (2) the district court committed clear error or made an
16 initial decision that was manifestly unjust, or (3) there is an intervening change in controlling
17 law.'" *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). A
18 motion under Rule 59(e) is not a vehicle permitting the unsuccessful party to repeat arguments
19 previously presented, or to present "contentions which might have been raised prior to the
20 challenged judgment." *Costello v. United States*, 765 F. Supp. 1003, 1009 (C.D. Cal. 1991).

21 In his motion, Rojo merely repeats arguments made in his opposition to the defendants'
22 motion. He raises no new facts or issues of law. This is insufficient for relief under Rule 59(e).

23 Accordingly, the motion to alter or amend the judgment is denied.

24 **IT IS SO ORDERED.**

25 Dated: August 25, 2015



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27 VINCE CHHABRIA
United States District Judge
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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 August 25, 2015, 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.

James E. Rojo ID: J-53355
D20-134
480 Alta Road
San Diego, CA 92179

Dated: August 25, 2015

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA