

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WINIFRED JIAU,

Plaintiff,

vs.

KAIRE POOLE; RANDY TEWS,

Defendant.

No. C 13-0248 WHA (PR)

**ORDER DENYING
RECONSIDERATION OR RELIEF
FROM JUDGMENT**

(Dkt. 10, 11)

Plaintiff, a federal prisoner incarcerated at the Federal Correctional Institute in Dublin, California, filed this civil rights case in which she complains that she was wrongfully expelled from the residential drug abuse treatment program and that such expulsion adversely affects the duration of her confinement. The complaint was dismissed without prejudice to refile in a habeas case because her claims implicate the duration of her confinement and success would entitle her to earlier release. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011). Plaintiff has filed motions for reconsideration and relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure. In her motions she disagrees with the dismissal order and raises arguments that are suitable for appeal, but she presents no grounds for reconsideration or relief from judgment. Motions for reconsideration are not a substitute for appeal or a means of attacking some perceived error of the court. *See Twentieth Century - Fox Film Corp. v.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dunnahoo, 637 F.2d 1338, 1341 (9th Cir. 1981) . Accordingly, plaintiff's motions for reconsideration and relief from judgment (dkt. 10, 11) are **DENIED**.

IT IS SO ORDERED.

Dated: March 28, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

G:\PRO-SE\WHA\CR.13\JIAU0248.REC.wpd