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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD JOHN VIEIRA,

Plaintiff,

v.

WESLEY A. VAN WINKLE,

Defendant.


No. C 14-3568 SI (pr)

**ORDER DENYING POST-
JUDGMENT MOTION**

Plaintiff has filed a "motion for rehearing and clarification of dismissal," in which he argues that the court erred in dismissing this action. A motion for reconsideration under Federal Rule of Civil Procedure 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 law." *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc). Plaintiff has not shown newly discovered evidence, clear error, or an intervening change in the law. Therefore, his motion for rehearing and clarification of dismissal is DENIED. Docket # 11

IT IS SO ORDERED.

Dated: November 10, 2014



SUSAN ILLSTON
United States District Judge