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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 OLANAPO AD OLAJIDE,  
8 Plaintiff,

9 v.

10 FEDERAL RESERVE BANK OF SAN  
11 FRANCISCO, et al.,  
12 Defendants.

Case No. [16-cv-04472-MMC](#)

**ORDER DENYING PLAINTIFF'S  
SECOND MOTION TO AMEND OR  
ALTER JUDGMENT**

Re: Dkt. No. 55, 56

13 By order filed January 3, 2017, the Court granted defendants' motions to dismiss,  
14 and dismissed the operative pleading, the Second Amended Complaint, without further  
15 leave to amend. The following day, January 4, 2017, the Clerk of Court entered  
16 judgment on the Court's order of dismissal. Thereafter, by order filed January 13, 2017,  
17 the Court denied plaintiff's motion, filed pursuant to Rule 59(e) of the Federal Rules of  
18 Civil Procedure, to amend or alter the judgment, finding plaintiff had failed to identify any  
19 cognizable basis for relief under Rule 59(e).

20 Now before the Court is plaintiff's second "Motion to Amend or Alter Judgment on  
21 Court Order Granting Defendant's Motion to Dismiss," filed February 2, 2017, by which  
22 plaintiff again seeks relief pursuant to Rule 59(e). Having read and considered plaintiff's  
23 motion, the Court hereby rules as follows.<sup>1</sup>

24 A motion for relief under Rule 59(e) "must be filed no later than 28 days after the  
25 entry of judgment." See Fed. R. Civ. P. 59(e). Plaintiff filed the instant motion 29 days  
26 after entry of judgment, and, consequently, the motion is untimely. A "district court has  
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28 <sup>1</sup>Plaintiff's request that the motion be heard telephonically is DENIED as moot.

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no discretion to consider a late [R]ule 59(e) motion," see Carter v. United States, 973 F.2d 1479, 1488 (9th Cir. 1992), as the time period set forth in Rule 59(e) is "jurisdictional," see Scott v. Younger, 739 F.2d 1464, 1467 (9th Cir. 1984).

Accordingly, plaintiff's second motion for relief under Rule 59(e) is hereby DENIED.

**IT IS SO ORDERED.**

Dated: February 22, 2017

  
MAXINE M. CHESNEY  
United States District Judge