

United States District Court
For the Northern District of California

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

PATRICIA A. MCCOLM,
Plaintiff,
v.
SAN FRANCISCO HOUSING AUTHORITY, et
al.,
Defendants.

No. C 06-07378 CW
ORDER DENYING
PLAINTIFF'S MOTION
TO ALTER OR AMEND
JUDGMENT

_____ /

Plaintiff Patricia McColm moves to alter or amend the Court's September 4, 2009 Judgment in favor of Defendants San Francisco Housing Authority, San Francisco Housing Commission, Greg Fortner, Tony Ucciferri, Paulette Boyd and Shawn Coleman. Defendants oppose the motion and Plaintiff has filed a reply. The matter was considered on the papers. Having considered all the papers filed by the parties, the Court denies Plaintiff's motion to alter or amend the judgment.

LEGAL STANDARD

Rule 59(e) provides that "any motion to alter or amend a judgment shall be filed no later than 10 days after entry of judgment." Fed. R. Civ. P. 59(e). Rule 59(e) motions are

1 interpreted as motions for reconsideration, and are appropriate if
2 the district court "(1) is presented with newly discovered
3 evidence, (2) committed clear error or the initial decision was
4 manifestly unjust, or (3) if there is an intervening change in
5 controlling law." School Dist. No. 1J, Multnomah County, Oregon v.
6 AcandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993), cert. denied, 512
7 U.S. 1236 (1994).

8 A motion for reconsideration shall not "repeat any oral or
9 written argument made by the applying party in support of or in
10 opposition to the [original] order which the party now seeks to
11 have reconsidered." Northern District of California Civil L.R. 7-
12 9(b).

13 DISCUSSION

14 In its September 4, 2009 Order Granting Defendants' Motion for
15 Summary Judgment and Denying Plaintiff's Cross Motion for Summary
16 Judgment, the Court noted that Plaintiff's brief "fails to proffer
17 legal argument in support of her claims or to specify the evidence
18 that supports her claims. . . . Based only upon Plaintiff's failure
19 to provide legal argument or to identify the evidence that supports
20 her claims, her cross-motion for summary judgment should be
21 denied." 2009 Order at 13. Nevertheless, in the interest of
22 justice, the Court addressed "what appeared to be Plaintiff's
23 arguments" and ferreted out evidence from her declarations and
24 documents that appeared to support her claims.

25 In her motion to alter or amend the judgment, Plaintiff
26 similarly fails to present legal argument or to identify the
27 evidence that supports her claims. However, what is dispositive of
28 this motion is that Plaintiff fails to cite any new material

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evidence or intervening change in the law. With her reply, Plaintiff submits copies of various letters and facsimiles she sent to her landlord and to the Condominium Association of her building, but these documents, which address complaints such as a loud exit door closing, the failure to place no smoking signs in the garden court, the failure to correct water damage in her unit, and the failure to provide condominium documents, do not provide evidentiary support for her claims.

Plaintiff attempts to argue that the Court committed clear error or the decision was manifestly unjust, but merely reargues what she stated in her briefs in favor of her motion for summary judgment and opposing Defendants' motion for summary judgment.

CONCLUSION

Based upon the foregoing, Plaintiff's motion under Rule 59(e) is DENIED.

IT IS SO ORDERED.



Dated: February 2, 2010

CLAUDIA WILKEN
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA A MCCOLM,
Plaintiff,

Case Number: CV06-07378 CW

CERTIFICATE OF SERVICE

v.

SAN FRANCISCO HOUSING et al,
Defendant.

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 February 2, 2010, 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.

Patricia A. McColm
P.O. Box 27274
San Francisco, CA 94127

Dated: February 2, 2010

Richard W. Wiekling, Clerk
By: Ronnie Hersler, Deputy Clerk