

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

3
 4 WALTER BURNS and ALICE BURNS,

No. C 11-0023 CW

5 Plaintiffs,

ORDER DENYING
 PLAINTIFFS' MOTION
 FOR RECONSIDERATION
 (Docket No. 78)

6 v.

7 FIRST AMERICAN TRUSTEE SERVICING
 SOLUTIONS, LLP; WELLS FARGO BANK,
 8 N.A.; CONTRA COSTA COUNTY RECORDER;
 BANK OF AMERICA, N.A.; LIBERTY TITLE
 9 COMPANY; WELLS FARGO HOME MORTGAGE
 CO.; and AMERICAN SECURITIES COMPANY,

10 Defendants.

United States District Court
 For the Northern District of California

11 _____/
 12
 13 Pro se Plaintiffs Walter and Alice Burns move for
 14 reconsideration of the Court's April 8, 2011 Order dismissing their
 15 case. The Court interprets Plaintiffs' motion to seek
 16 reconsideration pursuant to Federal Rules of Civil Procedure 59(e)
 17 and 60(b).¹

18 A party may seek reconsideration of a final judgment or order
 19 pursuant to Rule 59(e) "if the district court: (1) is presented
 20 with newly discovered evidence, (2) committed clear error or the
 21 initial decision was manifestly unjust, or (3) if there is an
 22 intervening change in controlling law." Sch. Dist. No. 1J,
 23 Multnomah Cnty. v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).
 24 Rule 60(b) provides that a court may relieve a party from a final
 25 judgment, order or proceeding for the following reasons:

26 (1) mistake, inadvertence, surprise, or excusable

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 28 ¹ The April 8 Order was not interlocutory and is therefore not
 subject to reconsideration under Civil Local Rule 7-9.

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neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

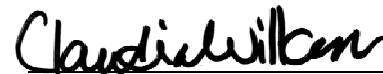
Fed. R. Civ. P. 60(b).

In their current motion, Plaintiffs simply restate their arguments that Defendants Contra Costa County, et al., have held them in involuntary servitude and in a state of peonage. They offer no basis for reconsideration under Rules 59(e) or 60(b).

Accordingly, Plaintiffs' motion for reconsideration is DENIED.
(Docket No. 78.)

IT IS SO ORDERED.

Dated: 5/3/2011



CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 BURNS et al,

5 Plaintiff,

6 v.

7 FIRST AMERICAN TRUSTEE SERVICING
8 SOLUTIONS LLP et al,

9 Defendant.

Case Number: CV11-00023 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
11 Northern District of California.

12 That on May 3, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
13 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
14 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
15 office.

16 Alice Burns
17 1221 Hookston Road
18 Concord, CA 94518

19 Walter Burns
20 1221 Hookston Road
21 Concord, CA 94518

22 Dated: May 3, 2011

23 Richard W. Wieking, Clerk
24 By: Nikki Riley, Deputy Clerk