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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE LOPEZ,
Plaintiff,

No. C 11-2644 YGR (PR)

**ORDER DENYING MOTION FOR
RECONSIDERATION**

v.

MATTHEW CATE, et al.,
Defendants.

This is a closed federal civil rights action. Defendants’ motion to dismiss was granted, and judgment in granted in favor of defendants, on September 30, 2012. Plaintiff has filed a motion to alter or amend the judgment, which the Court construes as containing a motion for reconsideration (Docket No. 32).

Where, as here, the Court’s ruling has resulted in a final judgment or order, a motion for reconsideration may be based either on Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure. “Under Rule 59(e), it is appropriate to alter or amend a judgment if ‘(1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law.’” *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*,

No. C 11-2644 YGR (PR)
ORDER DENYING MOT. FOR RECONSIDERATION

1 555 F.3d 772, 779 (9th Cir. 2009) (quoting *Zimmerman v. City of Oakland*, 255 F.3d 734,
2 740 (9th Cir. 2001)). Here, plaintiff's request contains no showing of newly-discovered
3 evidence, or that the Court committed clear error or made an initial decision that was
4 manifestly unjust, or that there was an intervening change in controlling law.

5 Rule 60(b) provides for reconsideration where one or more of the following is shown:
6 (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence that
7 by due diligence could not have been discovered before the court's decision; (3) fraud by the
8 adverse party; (4) voiding of the judgment; (5) satisfaction of the judgment; (6) any other
9 reason justifying relief. *See* Fed. R. Civ. P. 60(b); *School Dist. 1J v. ACandS Inc.*, 5 F.3d
10 1255, 1263 (9th Cir.1993). Although couched in broad terms, subparagraph (6) requires a
11 showing that the grounds justifying relief are extraordinary. *See Twentieth Century-Fox*
12 *Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981). Here, plaintiff's request
13 contains no showing of newly-discovered evidence, nor does it set forth any mistake,
14 inadvertence, surprise, excusable neglect, fraud by the adverse party, or voiding of the
15 judgment; plaintiff offers no other reason justifying relief. Accordingly, the motion for
16 reconsideration is hereby DENIED. The Clerk shall terminate Docket No. 32.

17 **IT IS SO ORDERED.**

18 DATED: November 27, 2012


19 **YVONNE GONZALEZ ROGERS**
20 **UNITED STATES DISTRICT COURT JUDGE**

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