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E-FILED - 8/17/10

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

RICHARD GARY HALL,)	C 07-3233 RMW (PR)
)	
Plaintiff,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION
vs.)	
)	
JAMES TILTON, et al.,)	
)	(Docket No. 132)
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging, inter alia, that he has been improperly housed at a Level III institution and the prison has failed to comply with mandated regulations in the classification process. On June 29, 2010, the court dismissed plaintiff's complaint as time-barred and, alternatively, for failure to state a cognizable claim. On July 8, 2010, plaintiff filed a motion for reconsideration.

Rule 60(b) of the Federal Rules of Civil Procedure provides for reconsideration where one or more of the following is shown: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence that by due diligence could not have been discovered before the court's decision; (3) fraud by the adverse party; (4) voiding of the judgment; (5) satisfaction of the judgment; (6) any other reason justifying relief. See Fed. R. Civ. P. 60(b); School Dist. 1J v. ACandS Inc., 5 F.3d 1255, 1263 (9th Cir.1993). Although couched in broad terms, subparagraph

1 (6) requires a showing that the grounds justifying relief are extraordinary. Twentieth Century -
2 Fox Film Corp. v. Dunnahoo, 637 F.2d 1338, 1341 (9th Cir. 1981).

3 In the present motion, petitioner does not make a showing of mistake, inadvertence,
4 surprise or excusable neglect. He does not set forth any newly discovered evidence, fraud, or
5 any grounds for finding that the judgment is void or has been satisfied. Nor does he set forth any
6 other reason justifying relief. Petitioner's arguments are merely a restatement of issues the court
7 considered and rejected. Petitioner may raise such arguments on appeal, but they are not
8 grounds for reconsideration. See id.

9 Accordingly, the motion for reconsideration is DENIED.

10 IT IS SO ORDERED.

11 DATED: 8/17/10


RONALD M. WHYTE
United States District Judge