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****E-Filed 8/11/2009****

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DONG THANH VO,

Plaintiff,

v.

SUPERIOR COURT OF SANTA CLARA
COUNTY, et al.,

Defendants.

Case No. C 08-4900 JF (PVT)
Case No. C 08-5103 JF (PVT)

ORDER¹ DENYING MOTIONS TO
SET ASIDE JUDGMENTS

[Re: docket nos. 11 & 21]

DONG THANH VO,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Plaintiff Dong Thanh Vo filed the above-captioned actions to obtain relief for alleged injuries arising from his arrest for possession of an illegal weapon and the impound of his

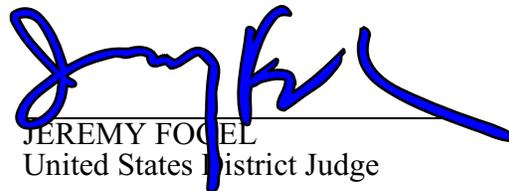
¹ This disposition is not designated for publication in the official reports.

1 vehicle.² The Court denied Plaintiff's repeated requests to proceed *in forma pauperis* on the
2 ground that Plaintiff had not provided a basis for federal jurisdiction over his claims for relief.
3 After Plaintiff failed to pay the civil filing fee, the Court dismissed both of the above-captioned
4 actions without prejudice to Plaintiff filing a new complaint. Plaintiff then filed motions for
5 reconsideration pursuant to Fed. R. Civ. P. 59(e). Reconsideration pursuant to Rule 59(e) is
6 appropriate if: (1) the district court is presented with newly discovered evidence; (2) the district
7 court committed clear error or the initial decision was manifestly unjust; or (3) there is an
8 intervening change in controlling law. *Sch. Dist. No. 1J, Multnomah County v. ACandS*, 5 F.3d
9 1255, 1263 (9th Cir. 1993). The Court denied the motions for reconsideration, concluding that
10 Plaintiff still had not presented a basis for federal jurisdiction over his claims.

11 Plaintiff now has filed motions to set aside the judgments "because the objective(s) in
12 judgment was erroneously excluded party and effects(s) so judgment shall be set aside." Mot. at
13 2. Such an argument does not present sufficient basis to set aside the prior judgments. As stated
14 previously by the Court, Plaintiff has not presented a basis for federal jurisdiction. Accordingly,
15 the motions to set aside the judgments are DENIED.

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17 IT IS SO ORDERED.

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20 DATED: August 10, 2009

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JEREMY FOCHEL
United States District Judge

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² The instant actions were related by the Court on April 30, 2009.

1 This Order has been served upon the following persons:

2 Dong Thanh Vo
3 Post Office Box 24
4 San Jose, CA 95103

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