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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD MONROE,

Plaintiff,

v.

CORRECTIONAL OFFICER WALKER, *et al.*,

Defendants.

Case No. 3:14-cv-00515-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

The Court dismissed this action without prejudice pursuant to LSR 2-2 and Fed. R. Civ. P. 41(b) because Plaintiff failed to notify the Court of his change of address and had not made contact with Defendant or the Court since he filed his last notice of change of address in October 2015. (ECF No. 37.) Before the Court is Plaintiff's motion for reconsideration (ECF No. 38) which Defendant opposes (ECF No. 39).

A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

Plaintiff asserts that he was admitted to "UMC with gun shot wounds" on May 10 and after admissions to other facilities was discharged on December 5, 2016. (ECF No.

1 38.) Plaintiff did not provide the year of his admission to UMC, but presumably he was
2 admitted on May 10, 2016, because Plaintiff filed previous notices of changes to his
3 address in 2015. (See ECF Nos. 23, 24, 27.) Even accepting Plaintiff's explanation that
4 he was unable to pursue this case from May 10, 2016, to December 5, 2016, Plaintiff still
5 failed to notify the Court of his change of address before his May 10, 2016, admission.
6 On April 5, 2016, mail sent to Plaintiff was returned as undeliverable. (ECF No. 32.)
7 Moreover, Plaintiff filed a notice of his change of address on November 28, 2016, but he
8 did not file an objection to the Magistrate Judge's Report and Recommendation, which
9 was not adopted until February 15, 2017.

10 It is therefore ordered that Plaintiff's motion for reconsideration (ECF No. 38) is
11 denied.

12 DATED THIS 9th day of May 2017.

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15 MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
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