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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PATRICIA G. BARNES,

Case No. 3:18-cv-00199-MMD-WGC

Plaintiff,

ORDER

v.

NANCY A. BERRYHILL, Acting
Commissioner Social Security
Administration,

Defendants.

Pro se Plaintiff Patricia G. Barnes has moved to have this Court reopen her case under Fed. R. Civ. P. 59(e) (“Motion”), contending that the Court erred in ruling on all of her claims. (ECF No. 145.)¹ The Court will deny the Motion.

Rule 59(e) allows a district court to reconsider and amend a previous order as an ““extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Kona Enter., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (internal quotation marks and citation omitted). “[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). “A Rule 59(e) motion may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.” *Kona Enter.*, 229 F.3d at 890 (citing *389 Orange St. Partners*, 179 F.3d at 665).

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¹The Court has also considered Defendant’s response (ECF No. 150) and Plaintiff’s reply (ECF No. 153).

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Plaintiff's Motion neither identifies new evidence, a change in controlling law, nor demonstrates that the Court's Order committed clear error or was manifestly unjust. Plaintiff largely attempts to raise new issues that could have been previously raised and otherwise argues that the Court improperly applied the applicable standard and cannot dismiss her case with prejudice at this stage. None of Plaintiff's arguments belie this Court's ruling dismissing Plaintiff's case with prejudice.

It is therefore ordered that Plaintiff's motion to reopen her case (ECF No. 145) is denied. Plaintiff's motion to supplement (ECF No. 154) is likewise denied.

It is further ordered that Defendant's motion for an extension of time to respond to the Motion (ECF No. 147) is granted *nunc pro tunc*.

DATED THIS 3rd day of October 2019.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE