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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 NINA FRENCH,

11 Plaintiff,

12 v.

13 WASHINGTON STATE
14 DEPARTMENT OF HEALTH, et al.,

15 Defendants.

CASE NO. C15-0859JLR

ORDER DENYING MOTION
FOR RECONSIDERATION OR
TO VACATE THE JUDGMENT

16 **I. INTRODUCTION**

17 Before the court is Plaintiff Nina French's letter in which Ms. French petitions to
18 "reinstate" her case, asks for a magistrate judge to hear the case, or seeks relief from the
19 appellate court. (*See* Mot. (Dkt. # 52) at 1.) The court liberally construes Ms. French's
20 letter as a motion for reconsideration of the court's May 22, 2017, order or to vacate the
21 judgment. (*See* 5/22/17 Order (Dkt. # 50); 2d Judgment (Dkt. # 51).) The court denies
22 Ms. French's motion for the reasons set forth below.

II. BACKGROUND

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2 This case arises out of Ms. French's employment with divisions of the DOH at
3 various periods between 2010 and 2014. (*See* SAC (Dkt. # 40) at 8.) On June 4, 2015,
4 Ms. French, who is proceeding *pro se* and *in forma pauperis* ("IFP"), filed her first
5 complaint against the DOH. (*See* Compl. (Dkt. # 3); IFP Mot. (Dkt. # 1); IFP Order
6 (Dkt. # 2).) After considering and denying Ms. French's requests for appointment of
7 counsel, the court ordered the United States marshal to serve the DOH within 30 days of
8 July 8, 2016. (7/8/16 Order (Dkt. # 13) (citing 28 U.S.C. § 1915(d)); Orders on Appoint.
9 Counsel (Dkt. ## 5, 6, 11).)

10 After the marshal served the DOH, Ms. French filed another action, which the
11 court consolidated with this matter. (10/4/16 Order (Dkt. # 17).) Because Ms. French
12 intended to amend her complaint rather than file the new case, the court construed Ms.
13 French's filing as her amended complaint when it consolidated the two cases. (*Id.*; FAC
14 (Dkt. # 18).) On October 31, 2016, the DOH filed a motion for judgment on the
15 pleadings for lack of subject matter jurisdiction and failure to state a claim. (*See* MJOP
16 (Dkt. # 23) at 1.) On January 25, 2017, the court granted the motion and dismissed Ms.
17 French's amended complaint. (1/25/17 Order (Dkt. # 32).) The court concluded that Ms.
18 French had failed to meet her burden of establishing the court's subject matter
19 jurisdiction (*id.* at 7) and to state a claim (*id.* at 8). The court also concluded that the
20 reasoning behind its order applied with equal force to Defendants WFSE/AFSCME and
21 FDA Center for Veterinary Medicine and dismissed Ms. French's complaint against them
22 for failure to state a claim. (*Id.* at 3 n.3 (citing 28 U.S.C. § 1915(e)(3).))

1 The court granted Ms. French leave to amend and ordered her to file her second
2 amended complaint, if any, no later than 14 days after the entry of the court’s order—
3 February 8, 2017. (*Id.* at 8-9.) In light of Ms. French’s previous difficulty following
4 court rules and orders, the court instructed Ms. French to “carefully consider the
5 deficiencies” in her amended complaint and indicated that the court would “interpret a
6 failure to cure those deficiencies as an indication that further amendment would be
7 futile.” (*Id.* at 8.) The court also instructed Ms. French that any amended complaint she
8 filed would supersede her earlier complaints and that she could not rely solely on exhibits
9 to construct a cognizable claim. (*Id.* at 9.) Finally, the court cautioned Ms. French that it
10 would not “entertain further requests for favorable treatment” and instructed Ms. French
11 to comply with all applicable Federal Rules of Civil Procedure and the Local Civil Rules
12 for the Western District of Washington. (*Id.*)

13 Ms. French’s deadline for filing a second amended complaint passed on February
14 8, 2017, and Ms. French had filed nothing further in this matter. (*See generally* Dkt.;
15 2/13/17 Order (Dkt. # 33).) Accordingly, on February 13, 2017, the court dismissed Ms.
16 French’s case with prejudice and entered judgment. (2/13/17 Order; 1st Judgment (Dkt.
17 # 34).)

18 Several days later, Ms. French alerted the court that she had attempted to file a
19 second amended complaint on February 9, 2017, one day after the deadline the court
20 imposed. (*See* 2/16/17 Letter (Dkt. # 35).) However, Ms. French had again inadvertently
21 opened a new case instead of filing a second amended complaint in this matter. (*See id.*)
22

1 Ms. French then filed two letters with the court in which she explained her mistake and
2 requested that the court reopen the case. (*See id.*)

3 After Ms. French's first letter was docketed in both matters, the Honorable
4 Richard A. Jones transferred Ms. French's newly opened case—Case No. C17-0210—to
5 the undersigned judge as related to this case—Case No. C15-0859. *French v. Wash.*
6 *State Dep't of Health*, No. C17-0210JLR, Dkt. # 5 (W.D. Wash.). The court consolidated
7 Ms. French's new case with this matter and construed Ms. French's letters as a motion
8 for reconsideration of the court's February 13, 2017, order of dismissal and entry of
9 judgment. (3/2/17 Order (Dkt. # 37) at 4-6.) After ordering the DOH to respond to Ms.
10 French's motion for reconsideration (*id.*; *see also* Resp. to Letter (Dkt. # 38)); Local
11 Rules W.D. Wash. LCR 7(h)(3), the court granted Ms. French's motion, vacated the
12 judgment, and directed the Clerk to file Ms. French's second amended complaint on the
13 docket (3/27/17 Order (Dkt. # 39) at 6, 8).

14 On April 19, 2017, the DOH moved to dismiss Ms. French's second amended
15 complaint. (MTD (Dkt. # 44).) The court granted the DOH's motion, concluding that
16 Ms. French again failed to meet her burden of establishing the court's subject matter
17 jurisdiction (5/22/17 Order at 7-11) and to state a federal claim for which relief may
18 granted (*id.* at 13-18). In the absence of any claims over which the court had original
19 jurisdiction, the court declined to exercise supplemental jurisdiction over any state law
20 claims Ms. French intended to assert. (*Id.* at 18-19.) The court also dismissed Ms.
21 French's claims against WFSE/AFSCME for failure to state a federal claim and declined

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1 to exercise supplemental jurisdiction over any state law claims against WFSE/AFSCME.¹
2 (*Id.* at 20.)

3 On May 30, 2017, Ms. French filed a letter with the Clerk’s Office in which she
4 petitions to “reinstate” her case, asks for a magistrate judge to hear the case, and seeks
5 relief from the appellate court.² (Mot. at 1.) Ms. French’s letter rehashes many of the
6 same details she has already put before the court, recounts personal stories about her
7 family and educational pursuits, and describes the experiences of various co-workers
8 while Ms. French worked for the DOH.³ (*See generally id.*) The court liberally construes
9 Ms. French’s letter as a motion for reconsideration or to vacate the judgment and
10 addresses each of those requests in turn.

11 III. ANALYSIS

12 A. Motion for Reconsideration

13 “Motions for reconsideration are disfavored,” and the court “will ordinarily deny
14 such motions in the absence of a showing of manifest error in the prior ruling or a
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16 ¹ Ms. French’s second amended complaint dropped the FDA Center for Veterinary
17 Medicine as a defendant. (*See SAC.*)

18 ² To the extent Ms. French seeks relief from the Ninth Circuit Court of Appeals (*see* Mot.
19 at 1 (“In the absen[c]e of all else, I would then ask to petition for submission to the appel[l]ate
20 court.”)), Ms. French must seek relief directly from that Court. Ms. French can find the Federal
21 Rules of Appellate Procedure and Ninth Circuit Rules at <http://www.ca9.uscourts.gov/rules/>. In
22 addition, the court cannot transfer a closed matter to a magistrate judge. *Cf.* Local Rules W.D.
Wash. LCR 73 (In a pending case, “parties may request at any time that the court reassign the
case to a magistrate judge.”).

³ Ms. French also asks whether “in order to have more information for the appel[l]ate
court,” she can “subpoena a witness and then use that in an appeal.” (Mot. at 2.) Ms. French’s
question amounts to a request for legal advice, which the court may not provide.

1 showing of new facts or legal authority which could not have been brought to [the
2 court's] attention earlier with reasonable diligence.” Local Rules W.D. Wash. LCR
3 7(h)(1). Ms. French has not made any of the required showings to warrant
4 reconsideration of the court's May 22, 2017, order and judgment. Ms. French's motion
5 does not address—let alone show—manifest error in the court's prior ruling or new facts
6 or legal authority that could not have been raised earlier. (*See generally* Mot.) Indeed,
7 Ms. French's motion simply restates facts from her previous filings (*see* Mot. at 2-3
8 (describing her co-workers' experiences at the DOH)) or raises new facts that she could
9 have brought to the court's attention earlier with reasonable diligence (*see id.* at 1 (stating
10 Ms. French's age)) or that are irrelevant to Ms. French's claims (*see id.* at 2 (describing
11 Ms. French's difficulties in pursuing her education and her older sister's death), 3
12 (discussing an inappropriate work environment while Ms. French was employed
13 somewhere other than the DOH)). For these reasons, the court denies Ms. French's
14 motion for reconsideration.

15 **B. Motion to Vacate**

16 Federal Rule of Civil Procedure 60 provides that “[o]n motion and just terms, the
17 court may relieve a party . . . from a final judgment” due to (1) “mistake, inadvertence,
18 surprise, or excusable neglect,” (2) “newly discovered evidence that, with reasonable
19 diligence, could not have been discovered in time to move for a new trial,” (3) an
20 opposing party's fraud, misrepresentation, or misconduct, (4) a void judgment, (5) a
21 satisfied, released, or discharged judgment, or (6) “any other reason that justifies relief.”
22 Fed. R. Civ. P. 60(b)(1)-(6). Ms. French fails to identify a basis to vacate the judgment.

1 (See generally Mot.) As the court discussed above, Ms. French merely reiterates facts
2 previously before the court or provides irrelevant reasons for reopening her case. (See
3 generally id.); supra § III.A. The court therefore denies the request to vacate the
4 judgment.

5 **IV. CONCLUSION**

6 For the foregoing reasons, the court DENIES Ms. French's motion to reconsider or
7 vacate the judgment (Dkt. # 52).

8 Dated this 16th day of June, 2017.

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11 JAMES L. ROBART
12 United States District Judge
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