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

10 GREGORY GOMES,

11 Plaintiff,

12 v.

13 THE BOEING COMPANY,

14 Defendant.

CASE NO. C17-0864JLR

ORDER

15 Before the court is Plaintiff Gregory Gomes’s motion for reconsideration of the
16 court’s July 12, 2017, order of dismissal. (Mot. (Dkt. # 10); *see also* 7/12/17 Order (Dkt.
17 # 7).) Mr. Gomes, who is proceeding *pro se* and *in forma pauperis*, states that
18 “unexpected delimiting illness,” two unexpected foreign business trips, and a misdirected
19 email precluded him from timely responding to the court’s order to show cause. (Mot. at
20 1; *see also* 6/19/17 Order (ordering Mr. Gomes to show cause why his complaint should
21 not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to timely file
22 charges with the Equal Employment Opportunity Commission (“EEOC”)).) He therefore

1 asks the court to consider his response to the order to show cause, which he filed
2 concurrently in the form of a second amended complaint. (Mot. at 1; SAC (Dkt. # 11).)

3 Mr. Gomes’s proposed second amended complaint contains the same fatal flaw as
4 his complaint and his first amended complaint—his untimely EEOC charge forecloses his
5 claim—and the court has repeatedly informed Mr. Gomes of this shortcoming. (*See*
6 6/19/17 Order at 2-4 (citing Compl. (Dkt. # 4); Right to Sue Letter (Dkt. # 4-1)); 7/12/17
7 Order at 1-2 (citing FAC (Dkt. # 6)); SAC ¶¶ 3, 8.) Because the same deficiency led to
8 the court’s dismissal (*see* 7/12/17 Order at 1-2), Mr. Gomes’s motion for reconsideration
9 and second amended complaint show neither “manifest error in the prior ruling” nor
10 “new facts or legal authority which could not have been brought to [the court’s] attention
11 earlier with reasonable diligence,” Local Rules W.D. Wash. LCR 7(h)(1). He is therefore
12 not entitled to reconsideration of the court’s dismissal. *See id.* Even if the court liberally
13 construes Mr. Gomes’s filing as seeking relief from the judgment under Federal Rule of
14 Civil Procedure 60, *see Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (requiring the court to
15 liberally construe *pro se* filings), Mr. Gomes fails to show that he is entitled to relief
16 because his untimely EEOC charge bars his claim, *see generally* Fed. R. Civ. P. 60(b)
17 (providing the grounds for relief from a final judgment). Accordingly, the court DENIES

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1 Mr. Gomes's motion for reconsideration (Dkt. # 10).

2 Dated this 25th day of July, 2017.

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A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

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JAMES L. ROBART
United States District Judge

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