UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Kennard Lee Davis, Plaintiff, v. James Walker, et al., Defendants.	No. 2:10-cv-02139-KJM-DB ORDER

Following the Ninth Court's mandate to consider plaintiff Kennard Lee Davis's motions to reopen this case and reassess his competency to proceed, *see* USCA Mandate, ECF No. 336; USCA Memorandum, ECF No. 335, this court issued an order referring the case to Magistrate Judge Deborah Barnes for further proceedings as appropriate, *see* Min. Order (Nov. 10, 2022), ECF No. 348. Davis filed "objections" to this order, *see* ECF No. 353, which the court construes as a motion to reconsider its decision to refer the case to Judge Barnes.

While a court may relieve a party from an order under Rule 60 of the Federal Rules of Civil Procedure for "mistake, inadvertence, fraud, or excusable neglect" or for "any other reason that justifies relief," Fed. R. Civ. P. 60(b)(1), (b)(6), plaintiff does not claim new facts or circumstances exist or otherwise offer a reason justifying relief, *see* E.D. Cal. R. 230(j)(3), (4). "[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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

there is an intervening change in the controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). The court **denies plaintiff's request for reconsideration**.

This order resolves ECF No. 353.

IT IS SO ORDERED.

DATED: December 8, 2022.

CHIEF UNITED STATES DISTRICT JUDGE