

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Frederick Wayne Smith v. John Doe #1, et al.

No. 1:25-cv-00109-KES-EPG · No. No. 1:25-cv-00109-KES-EPG · Decided June 23, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Frederick Wayne Smith’s motion to amend the judgment under Federal Rule of Civil Procedure 59(e). The court held that Smith failed to identify a sufficient basis for relief and had not paid the required filing fee despite having sufficient funds.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 23, 2025
DOCKET	No. 1:25-cv-00109-KES-EPG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) to amend the judgment dismissing his prisoner civil-rights action without prejudice for failure to pay the filing fee.
STANDARD OF REVIEW	A Rule 59(e) motion is an extraordinary remedy committed to the district court’s considerable discretion and generally may be granted only to correct manifest errors of law or fact, consider newly discovered or previously unavailable evidence, prevent manifest injustice, or account for an intervening change in controlling law.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status is not established in the source.
PARTIES	Frederick Wayne Smith v. John Doe #1, et al.

TOPICS

- motion for reconsideration
- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff's motion to amend the judgment was timely and should be treated as a motion under Federal Rule of Civil Procedure 59(e).
2. Whether plaintiff identified a sufficient basis for relief from the judgment under Rule 59(e).

HOLDINGS

1. A motion for relief from judgment filed within 28 days after entry of judgment is properly treated as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e). Applying the prison mailbox rule, plaintiff's motion was timely because he signed and delivered it to prison authorities on April 28, 2025, within 28 days of the April 21 judgment.
2. Plaintiff was not entitled to amend the judgment because he identified no basis recognized under Rule 59(e) for altering or amending the judgment and had not paid the mandatory filing fee despite having sufficient funds to do so.

KEY QUOTATIONS

"Generally, there are "four basic grounds upon which a Rule 59(e) motion may be granted: (1) if such motion is necessary to correct manifest errors of law or fact upon which the judgment rests; (2) if such motion is necessary to present newly discovered or previously unavailable evidence; (3) if such motion is necessary to prevent manifest injustice; or (4) if the amendment is justified by an intervening change in controlling law."" (at 2)

"A motion for reconsideration under Rule 59(e) is an "extraordinary remedy, to be used sparingly."" (at 2)

FACTUAL BACKGROUND

Plaintiff's prison trust account contained \$3,687.76 as of January 30, 2025, with an average monthly balance of \$5,466.14 during the preceding six months. Although plaintiff indicated that he intended to pay the \$405 filing fee, the court never received payment. After the court ordered him to pay the fee within thirty days, plaintiff failed to do so, and the action was dismissed without prejudice. In support of his motion to amend the judgment, plaintiff referred to prison staff allegedly destroying documents and submitted a 2010 administrative-segregation placement notice, but did not explain why he could not pay the fee.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action and sought leave to proceed in forma pauperis. After finding that plaintiff had sufficient funds to pay the filing fee, the court adopted findings and recommendations directing him to pay the fee within thirty days and warning that failure to do so would result in dismissal. Plaintiff did not pay, and the action was dismissed without prejudice on April 21, 2025, with judgment entered the same day. The court denied plaintiff's motion to amend the judgment.

DISPOSITION

CASES CITED

- Langley v. Well Path Med., No. 2:19-cv-01022-TLN-DMC, 2020 WL 243228, at *1 (E.D. Cal. Jan. 16, 2020)
- Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 888-89 (9th Cir. 2001)
- Douglas v. Noelle, 567 F.3d 1103, 1107 (9th Cir. 2009)
- Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 FREDERICK WAYNE SMITH, No. 1:25-cv-00109-KES-EPG 12 Plaintiff,
13 v. ORDER DENYING PLAINTIFF’S MOTION TO AMEND THE JUDGMENT 14 JOHN
DOE #1, et al., Docs. 15, 16 15 Defendants. 16 17 18 On January 27, 2025, plaintiff filed this civil
rights action, along with a motion to proceed 19 in forma pauperis.

Docs. 1, 2. On January 29, 2025, the assigned magistrate judge issued 20 findings and
recommendations recommending that plaintiff’s motion to proceed in forma 21 pauperis be
denied. Doc. 8. The magistrate judge found that plaintiff had sufficient funds in his 22 trust
account to pay the \$405.00 filing fee for this action. Id. The findings and recommendations 23
were served on plaintiff and contained notice that any objections thereto were to be filed within 24
thirty days following service.

Id. On February 7, 2025, plaintiff filed a notice indicating that he 25 intended to pay the filing fee.
Doc. 9. Plaintiff filed another motion to proceed in forma pauperis 26 on February 21, 2025. Doc.
10. This second application showed he had the sum of \$3,687.76 in 27 his trust account as of
January 30, 2025, and had an average monthly balance of \$5,466.14 in his 28 trust account for the
six months prior to that date.

Id. at 2. Notwithstanding plaintiff’s filing 1 indicating his intent to pay the filing fee (Doc. 9), the
Court never received such payment. See 2 docket. 3 The findings and recommendations were
adopted in full on March 7, 2025 and plaintiff 4 was directed to pay the filing fee in full within
thirty days. Doc. 11.

The Court warned plaintiff 5 that failure to do so would result in the dismissal of the action
without prejudice. Id. at 2. 6 Plaintiff did not pay the filing fee and the Court dismissed the action
without prejudice on 7 April 21, 2025. Doc. 13. Judgment was entered the same day. Id. On May
2, 2025, plaintiff’s 8 motion to amend the judgment was docketed (Doc.

15) followed by a further response on June 4, 9 2025 (Doc. 16). 10 Relief from an order issuing a
final judgment may be granted under Federal Rule of Civil 11 Procedure 59(e) or 60(b). See, e.g.,

Langley v. Well Path Med., No. 2:19-cv-01022-TLN-DMC, 12 2020 WL 243228, at *1 (E.D. Cal. Jan. 16, 2020). If a motion for such relief is filed within the 13 time provided for by Rule 59(e), it should be considered as a motion to alter or amend judgment 14 pursuant to Rule 59(e).¹ See Am.

Ironworks & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 15 892, 888-89 (9th Cir. 2001). Otherwise, the motion is treated as a Rule 60(b) motion for relief 16 from a judgment or order. Id. Additionally, when filing a motion for reconsideration, Local Rule 17 230(j) requires a party to show “what new or different facts or circumstances are claimed to exist 18 which did not exist or were not shown upon such prior motion, or what other grounds exist for the 19 motion.” Local Rule 230(j).

20 The mailbox rule provides that plaintiff’s motion shall be deemed filed on the date he 21 signed and delivered it to prison authorities for forwarding to the court clerk. See Douglas v. 22 Noelle, 567 F.3d 1103, 1107 (9th Cir. 2009) (mailbox rule applies to § 1983 suits filed by pro 23 se prisoners). Plaintiff’s motion for relief is labeled as a request to amend the judgment and he 24 signed and dated it on April 28, 2025, which is within 28 days of the entry of judgment on 25 April 21, 2025.

Thus, plaintiff’s motion for relief will be considered under Rule 59(e). 26 “Since specific grounds for a motion to amend or alter are not listed in [Rule 59(e)], the 27 1 Rule 59(e) provides that “[a] motion to alter or amend a judgment must be filed no later than 28 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). 1 | district court enjoys considerable discretion in granting or denying the motion.” Allstate Ins.

Co. 2 | v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011). Generally, there are “four basic grounds upon 3 | which a Rule 59(e) motion may be granted: (1) if such motion is necessary to correct manifest 4 | errors of law or fact upon which the judgment rests; (2) if such motion is necessary to present 5 || newly discovered or previously unavailable evidence; (3) if such motion is necessary to prevent 6 | manifest injustice; or (4) if the amendment is justified by an intervening change in controlling 7 | law.” Id. A motion for reconsideration under Rule 59(e) is an “extraordinary remedy, to be used 8 || sparingly.” Id.

9 In his May 2, 2025 filing, plaintiff does not identify any basis sufficient to grant relief 10 under Rule 59(e), and his filing is unclear and disjointed. See generally Doc. 15. Nor has he paid 11 | the mandatory filing fee to permit the action to move forward.

In his subsequent filing in support 12 | of his motion, plaintiff contends that prison staff is destroying documents, but he fails to explain 13 || why he is unable to pay the filing fee when the record reflects that he has sufficient funds to do 14 | so. See generally Docs. 6, 10, 16. He also provides a copy of an administrative segregation unit 15 || placement notice from 2010 in which he

was placed in administrative segregation for his own 16 | safety after other inmates attacked him.
/d. at 3.

However, an incident from 2010 is not relevant 17 | to the mandatory requirement that plaintiff pay
the filing fee. 18 As plaintiff did not pay the filing fee despite having had sufficient funds to do so,
and as 19 | plaintiff has not identified a basis for relief under Rule 59(e), plaintiffs motion to
amend the 20 | judgment is DENIED. 21 92 | IT IS SO ORDERED. _ 23 Dated: _ June 23, 2025
4h UNITED STATES DISTRICT JUDGE 25 26 27 28