

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Alana Dunn v. Unified District School Clovis, et al.

Dunn · No. 1:25-cv-0962 JLT BAM · Decided September 12, 2025

OPINION

Dunn

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALANA DUNN,) Case No.: 1:25-cv-0962 JLT BAM) 12 Plaintiff,) ORDER
CONSTRUING PLAINTIFF’S

) MOTION TO THE COURT AS A MOTION

13 v.) FOR RECONSIDERATION

) 14 UNIFIED DISTRICT SCHOOL CLOVIS, et al.,) (Doc. 10)) 15 Defendants.) ORDER

DENYING RECONSIDERATION) 16) 17 Alana Dunn requested to proceed in forma pauperis

in this action. (Doc. 2.) The Court found 18 Plaintiff’s annual household income—which exceeds

\$90,000—was sufficient for her to pay the 19 Court’s filing fee and still provide for life’s

necessities for herself and her dependents. (Doc. 5 at 1-2.) 20 Therefore, the Court ordered

Plaintiff to pay the filing fee in full to proceed with this action. (Id. at 2.) 21 After the Court

directed Plaintiff to pay the filing fee, Plaintiff filed objections to the order 22 (Doc. 6) and a

response to the Court (Doc. 7). The Court reviewed the filings and construed them as a 23 motion

for reconsideration under Rule 60(b). (Doc. 9.) The Court found Plaintiff failed to “identify 24 any

factual or legal mistake in the Court’s analysis concerning her household income,” and her 25

arguments were “predicated on her general disagreement with the ruling.” (Id. at 3.) Therefore, the

26 Court denied the reconsideration and ordered Plaintiff to pay the filing fee within 14 days. (Id.)

27 Plaintiff has now filed a “motion to the Court where errors occurred.” (Doc. 10.) Again, the 28

Court construes the filing to be a motion for reconsideration pursuant to Fed. R. Civ. P. 60(b).

Pursuant 1 to Rule 60(b) of the Federal Rules of Civil Procedure, “[o]n motion and just terms, the

court may 2 relieve a party or its legal representative from a final judgment, order, or proceeding.”

Id. Rule 60(b) 3 indicates such relief may be granted “for the following reasons:” 4 (1) mistake,

inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence...;

5 (3) fraud (whether previously called intrinsic or extrinsic) misrepresentation, or misconduct by

an opposing party; 6 (4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on
7 an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer
equitable; or 8 (6) any other reason that justifies relief. 9 Fed. R. Civ. P. 60(b). 10 Reconsideration
of a prior order is an extraordinary remedy “to be used sparingly in the interests 11 of finality and
conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F. 3d 12 877, 890
(9th Cir. 2000) (citation omitted); see also *Harvest v. Castro*, 531 F.3d 737, 749 (9th Cir. 13 2008)
(addressing reconsideration under Rule 60(b)). In seeking reconsideration under Rule 60, the 14
moving party “must demonstrate both injury and circumstances beyond his control.” *Harvest*, 531
F.3d 15 at 749 (cleaned up). “A motion for reconsideration should not be granted, absent highly
unusual 16 circumstances, unless the district court is presented with newly discovered evidence,
committed clear 17 error, or if there is an intervening change in the controlling law,” and it “may
not be used to raise 18 arguments or present evidence for the first time when they could
reasonably have been raised earlier in 19 the litigation.” *Marlyn Nutraceuticals, Inc. v. Mucos
Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 20 2009) (internal quotations marks, citations
omitted) (emphasis in original). 21 To the extent Plaintiff seeks reconsideration of the Court’s
order denying her application to 22 proceed in forma pauperis based upon a mistake of fact,
Plaintiff fails to show such an error. She 23 maintains that she does “not make 91,000 a year” and
“that’s a error[.]” (Doc. 10 at 8.) However, the 24 Court did not find that Plaintiff alone makes
such a salary. Upon review of the motion to proceed in 25 forma pauperis, the Court found that
“Plaintiff reported an annual household income of \$91,294.80 26 including her own salary as well
as the SSI benefits received for four children.” (Doc. 5 at 2, emphasis 27 added.) It is indisputable
that Plaintiff reported receiving \$3,007.90 in benefits per month for her 28 children, in addition to
her gross monthly pay of \$4,600.00. (See Doc. 2 at 1.) Thus, Plaintiff fails to 1 || show the Court
erred in identifying the household income when evaluating her motion to proceed in 2 forma
pauperis. Consequently, Plaintiff’s argument is unavailing. 3 Plaintiff also appears to argue the
sufficiency of the allegations in her complaint and the merit 4 || of her case. (See generally Docs.
10.) As the Court previously explained, the Court has not screened 5 || the allegations of the
complaint nor made any determination as to the merits. The matter will not 6 || proceed to a
screening unless the filing fee is paid. Any arguments related to Plaintiffs claims are 7 || irrelevant
at this stage of the litigation. 8 Ultimately, Plaintiff fails to show reconsideration of the Court’s
order is appropriate under Rv 9 || 60(b). Plaintiff does not identify any factual or legal mistake in
the Court’s analysis concerning her 10 || household income. Plaintiff also does not identify any
new evidence or a change in controlling law □□ 11 || support reconsideration of the Court’s order.
Based upon the foregoing, the Court ORDERS: 12 1. Plaintiff’s motion “to the Court [to show]
where the errors occurred,” construed as a 13 motion for reconsideration (Doc. 10) is DENIED. 14
2. Plaintiff SHALL pay the filing fee no later than September 25, 2025. 15 Further motions for
reconsideration on this matter will not be entertained by the Court. 16 Failure to pay the filing fee
as ordered will result in dismissal of this action without 17 prejudice. 18 19 IT IS SO ORDERED.

20 || Dated: _ September 12, 2025 (LAW pA L. wan
TED STATES DISTRICT JUDGE
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