

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

Selene Violet Bray-Hernandez (formerly known as Bryan Paul
Hernandez) v. G. Eric Carpenter, Eastern State Hospital, and Daniel
G. Sim

Bray-Hernandez · No. 2:25-CV-00331-SAB · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Washington denied Selene Violet Bray-Hernandez’s motion under Federal Rule of Civil Procedure 59 to alter or amend the order denying leave to proceed in forma pauperis and dismissing the action for nonpayment of the filing fee. The court found no newly discovered evidence, clear error, or intervening change in controlling law, certified that any appeal would not be taken in good faith, and directed that the file remain closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Stan Bastian
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	February 11, 2026
DOCKET	2:25-CV-00331-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59 to alter or amend the court's prior order denying leave to proceed in forma pauperis and dismissing the civil-rights action for nonpayment of the filing fee.
STANDARD OF REVIEW	Reconsideration is committed to the sound discretion of the district court and is generally disfavored absent newly discovered evidence, clear error, or an intervening change in controlling law.
PRECEDENTIAL VALUE	unknown
PARTIES	Selene Violet Bray-Hernandez (formerly known as Bryan Paul Hernandez) v. G. Eric Carpenter, Eastern State Hospital, Daniel G. Sim

TOPICS

motion for reconsideration

civil procedure

appellate procedure

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the standard for altering or amending the prior order under Federal Rule of Civil Procedure 59.
2. Whether the court needed to clarify whether its denial of a certificate of appealability applied only to dismissal of the action or also to denial of the in forma pauperis application.

HOLDINGS

1. The motion to alter or amend was properly denied because Plaintiff did not present newly discovered evidence, demonstrate clear error, or identify an intervening change in controlling law.
2. No further clarification was necessary because the prior order had identified the in forma pauperis application at issue and had denied leave to proceed in forma pauperis while dismissing the action for nonpayment of the filing fee.

KEY QUOTATIONS

“Motions for reconsideration are generally disfavored and should not be granted, “absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or . . . there is an intervening change in the controlling law.”” (at 1)

“Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”” (at 1)

FACTUAL BACKGROUND

Plaintiff is a civilly committed detainee proceeding pro se in a civil-rights action. The court had denied Plaintiff's in forma pauperis application because it did not provide accurate information about Plaintiff's past litigation and had dismissed the action for nonpayment of the \$405 filing fee. Plaintiff sought reconsideration, asserting that the court had omitted written objections and had not acknowledged an amended application.

PROCEDURAL HISTORY

The court previously denied Plaintiff leave to proceed in forma pauperis and dismissed the action for nonpayment of the \$405 filing fee. Plaintiff then moved to alter or amend that order, arguing that the court had not considered written objections, had failed to acknowledge an amended in forma pauperis application, and needed to clarify the scope of its certificate-of-appealability ruling. The court denied the motion, kept the file closed, and certified that an appeal from the order would not be taken in good faith.

DISPOSITION

CASES CITED

- 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999)
- Kona Enterprises, Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Navajo Nation v. Confederated Tribes and Bands of the Yakama Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003)

OPINION

1 2 U.S. F D IL IS E T D R I I N C T T H C E O U R T EASTERN DISTRICT OF WASHINGTON
3 Feb 11, 2026 4 SEAN F. MCAVOY, CLERK 5 UNITED STATES DISTRICT COURT 6
EASTERN DISTRICT OF WASHINGTON 7 8 9 SELENE VIOLET BRAY- No. 2:25-CV-00331-
SAB 10 HERNANDEZ (formerly known as 11 Bryan Paul Hernandez), ORDER DENYING
MOTION TO 12 Plaintiff, ALTER OR AMEND ORDER 13 v. DENYING LEAVE TO
PROCEED IN 14 FORMA PAUPERIS 15 G. ERIC CARPENTER, EASTERN 16 STATE
HOSPITAL and DANIEL G. 17 SIM, 18 Defendants.

19 20 Before the Court is Plaintiff’s Motion to Alter or Amend Order. ECF No. 18. 21 Plaintiff, a
civilly committed detainee, is proceeding pro se; Defendants were not 22 served. The Motion was
considered without oral argument on the date signed 23 below. 24 Plaintiff brings this Motion
pursuant to Fed. R. Civ. P. 59, claiming an Order 25 issued on December 22, 2025, did not include
Plaintiff’s written objections to an 26 earlier Order and failed to acknowledge an amended in
forma pauperis application.

27 Id. at 1. Plaintiff asserts that “the order should clarify whether the denial of a 28 certificate of
appealability is directed solely to the dismissal itself or extends to the 1 denial of the IFP
application. ECF No. 18 at 1. 2 By Order filed December 22, 2025, the Court denied Plaintiff
leave to 3 proceed in forma pauperis and dismissed this civil rights action for non-payment 4 of
the \$405.00 filing fee.

ECF No. 16. The Court finds no further clarification is 5 necessary. The Court referenced the in
forma pauperis application received on 6 October 30, 2025, ECF No. 7, noting that it did not
supply accurate information 7 regarding Plaintiff’s past litigation. See ECF No. 16 at 1. 8 Plaintiff
has filed two appeals in this case that are currently pending in the 9 Ninth Circuit, Case Nos. 25-
7830 and 26-261.

See ECF Nos. 12, 15 and 19. A 10 petition for writ of mandamus, filed on December 16, 2025,
Case No. 25-7863, 11 was denied on January 28, 2026. See ECF No. 21. 12 MOTION FOR
RECONSIDERATION 13 Motions for reconsideration are generally disfavored and should not be
14 granted, “absent highly unusual circumstances, unless the district court is presented 15 with

newly discovered evidence, committed clear error, or... there is an intervening change in the controlling law.” 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir.

1999). Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” Kona Enterprises, Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). “Whether or not to grant reconsideration is committed to the sound discretion of the court.” Navajo Nation v. Confederated Tribes and Bands of the Yakama Indian Nation, 331 F.3d 1041, 1046 (9th Cir.

2003). Plaintiff has not presented newly discovered evidence, shown the Court committed clear error, or argued that there has been an intervening change in the controlling law. See 389 Orange St. Partners, 179 F.3d at 665. Accordingly, IT IS HEREBY ORDERED: 1. Plaintiff’s Motion to Alter or Amend Order, ECF No. 18, is DENIED. 2.

The file shall remain CLOSED. 3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith. IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and provide a copy to Plaintiff. DATED this 11th day of February 2026. Stan Bastian Chief United States District Judge ORDER DENYING MOTION TO ALTER OR AMEND ORDER DENYING