

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

OPINION

1 2 U.S. F D I L I S 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 16 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 18 used sparingly in the interests of finality and conservation of judicial resources.” 19 Kona Enterprises, Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). 20 “Whether or not to grant reconsideration is committed to the sound discretion of 21 the court.” Navajo Nation v. Confederated Tribes and Bands of the Yakama Indian 22 Nation, 331 F.3d 1041, 1046 (9th Cir.

2003). 23 Plaintiff has not presented newly discovered evidence, shown the Court 24 committed clear error, or argued that there has been an intervening change in the 25 controlling law. See 389 Orange St. Partners, 179 F.3d at 665. 26 Accordingly, IT IS HEREBY ORDERED: 27 1. Plaintiff’s Motion to Alter or Amend Order, ECF No. 18, is 28 DENIED. 1 2.

The file shall remain CLOSED. 3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal 3|| of this Order would not be taken in good faith. IT IS SO ORDERED. The Clerk of Court is directed to enter this Order 5|| and provide a copy to Plaintiff. DATED this 11th day of February 2026. 10 Stan Bastian Chief United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 ORDER DENYING MOTION TO ALTER OR AMEND ORDER DENYING