

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brandon Eugene Hunter v. Sacramento County, et al.

No. No. 2:22-cv-01282-DC-EFB (PC), United States District Court for the Eastern District of California
(December 16, 2025)

SUMMARY

The United States District Court for the Eastern District of California denied Brandon Eugene Hunter’s motion for reconsideration of the dismissal of his 42 U.S.C. § 1983 action for failure to prosecute. The court applied Federal Rule of Civil Procedure 60(b), found no justification for reconsideration, and ordered that the case remain closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 16, 2025
DOCKET	No. 2:22-cv-01282-DC-EFB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of the court's dismissal of his 42 U.S.C. § 1983 action for failure to prosecute after he failed to oppose defendants' motion for summary judgment despite multiple opportunities. The court treated the motion as arising under Federal Rule of Civil Procedure 60(b) and denied it.
STANDARD OF REVIEW	A motion filed more than 28 days after entry of judgment is governed by Federal Rule of Civil Procedure 60(b). Relief from judgment under Rule 60(b) requires one of the rule's specified grounds or another reason justifying relief; reconsideration ordinarily is unavailable absent highly unusual circumstances such as newly discovered evidence, clear error, or an intervening change in controlling law.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than precedential.
PARTIES	Brandon Eugene Hunter v. Sacramento County, et al.

TOPICS

motion for reconsideration

civil procedure

summary judgment

section 1983

prisoners rights

PRACTICE AREAS

Civil procedure

Federal civil rights

Prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's motion for reconsideration was governed by Federal Rule of Civil Procedure 59(e) or Rule 60(b).
2. Whether plaintiff demonstrated a basis for relief from the judgment under Rule 60(b).

HOLDINGS

1. Because plaintiff filed the motion more than 28 days after entry of judgment, Federal Rule of Civil Procedure 60(b), rather than Rule 59(e), governed the motion for reconsideration.
2. Plaintiff was not entitled to reconsideration because he failed to present a reason justifying relief under Rule 60(b), including newly discovered evidence, clear error, or an intervening change in controlling law.

KEY QUOTATIONS

“A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the ... court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” (at 2)

“Plaintiff has not presented a reason justifying reconsideration.” (at 2)

FACTUAL BACKGROUND

Plaintiff brought this action under 42 U.S.C. § 1983 and proceeded without counsel. The court dismissed the case for failure to prosecute after plaintiff failed to oppose defendants' motion for summary judgment despite receiving multiple opportunities to do so. Plaintiff later sought reconsideration, but the court found that he had not presented a reason warranting relief.

PROCEDURAL HISTORY

The court previously dismissed the action for failure to prosecute after plaintiff failed to oppose defendants' motion for summary judgment despite multiple opportunities. Plaintiff filed a motion for reconsideration on March 10, 2025. Because the motion was filed more than 28 days after entry of judgment, the court applied Rule 60(b), found no basis for relief, denied reconsideration, and ordered that the case remain closed.

DISPOSITION

other

CASES CITED

- Cent. Produce El Jibarito v. Luna Commer. Corp., 880 F. Supp. 2d 282, 285 (D.P.R. 2012)
- United States v. Comprehensive Drug Testing, Inc., 473 F.3d 915, 956 (9th Cir. 2006)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 BRANDON EUGENE HUNTER, No. 2:22-cv-01282-DC-EFB (PC) 12
Plaintiff, 13 v. ORDER DENYING MOTION FOR RECONSIDERATION 14 SACRAMENTO
COUNTY, et al., (ECF No. 43) 15 Defendants. 16 17 Plaintiff proceeds without counsel in this
action brought under 42 U.S.C. § 1983.

The 18 court dismissed the case for failure to prosecute after plaintiff was given multiple
opportunities to 19 oppose defendants' motion for summary judgment but failed to do so. ECF No.
41. He asks the 20 court to reconsider the ruling. ECF No. 43. 21 A motion seeking relief from a
judgment is governed by either Federal Rule of Civil 22 Procedure 59(e) or 60(b), depending on
when the motion is filed.

Cent. Produce El Jibarito v. 23 Luna Commer. Corp., 880 F. Supp. 2d 282, 285 (D.P.R. 2012). If
the motion is filed within 28 24 days of entry of judgment, Rule 59(e) governs; otherwise, Rule
60(b) governs. Id.; see also 25 United States v. Comprehensive Drug Testing, Inc., 473 F.3d 915,
956 (9th Cir. 2006) (noting that 26 Rule 59(e) controls if the motion is brought within the time
limit provided by Rule 59 (which, 27 since 2009, has been 28 days)).

Plaintiff's motion was not brought within 28 days of entry of 28 judgment here; accordingly Rule
60(b) controls. 1 Rule 60(b) provides: 2 On motion and just terms, the court may relieve a party or
its legal representative from a final judgment, order, or proceeding for the following reasons: (1)
mistake, 3 inadvertence, surprise, or excusable neglect;(2) newly discovered evidence that, with
reasonable diligence, could not have been discovered in time to move for a new trial under 4 Rule
59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct
by an opposing party; (4) the judgment is void; (5) the judgment has been 5 satisfied, released or
discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it
prospectively is no longer equitable; or (6) any other reason that 6 justifies relief.

7 | "A motion for reconsideration should not be granted, absent highly unusual circumstances, 8 |
unless the... court is presented with newly discovered evidence, committed clear error, or if there 9
| is an intervening change in the controlling law." Marlyn Nutraceuticals, Inc. v. Mucos Pharma 10
| GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009). Plaintiff has not presented a reason justifying 11
| reconsideration.

12 Accordingly, it is hereby ORDERED that plaintiff's March 10, 2025 Motion for 13 |
Reconsideration (ECF No. 43) is DENIED, and this case shall remain closed. 14 15 16 IT IS SO
ORDERED. □ 17 | Dated: _ December 16, 2025 LIU os Dena Coggins 18 United States District
Judge 19 20 21 22 23 24 25 26 27 28