

**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.

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