

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

Jon Lewis v. Synchrony Bank

No. 2:24-cv-0110-DC-JDP (PS) (E.D. Cal. Oct. 21, 2025) · No. 2:24-cv-0110-DC-JDP (PS) · Decided October
21, 2025

OPINION

Jon Lewis v. Synchrony Bank

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JON LEWIS, Case No. 2:24-cv-0110-DC-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 SYNCHRONY BANK,

15 Defendant. 16

17 On May 14, 2025, I recommended that defendant’s motion to dismiss be granted, 18 plaintiff’s
federal claims be dismissed without leave to amend, and the court decline to exercise 19
supplemental jurisdiction over his state law claims. ECF No. 54. On September 17, 2025, the 20
court adopted the findings and recommendations, dismissed plaintiff’s second amended compliant
21 without leave to amend, and entered judgment accordingly. ECF Nos. 61 & 62. Plaintiff has
now 22 filed a motion to alter or amend the judgment. ECF No. 63. I recommend that motion be
denied. 23 A district court may reconsider a ruling under either Federal Rule of Civil Procedure
59(e) 24 or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255,
1262 (9th

25 Cir. 1993). A grant of a motion to amend or alter judgment under Rule 59(e) is an
“extraordinary

26 remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”

27 See Kona Enters. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000) (quoting 12 James
Wm. 28 Moore et al., Moore’s Federal Practice § 59.30[4] (3d ed. 2000)). A motion to amend or
alter 1 judgment should be granted only where a court ““is presented with newly discovered
evidence, 2 committed clear error, or if there is an intervening change in the controlling law.””

McDowell v. 3 Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc) (quoting 389 Orange St.
Partners v. 4 Arnold, 179 F.3d 656, 665 (9th Cir. 1999)). Under the court’s local rules, a motion for
5 reconsideration must specify “what new or different facts or circumstances are claimed to exist 6
which did not exist or were not shown upon such prior motion, or what other grounds exist for the
7 motion,” and “why the facts or circumstances were not shown at the time of the prior motion.” 8

E.D. Cal. L.R. 230(j)(3)-(4). 9 Plaintiff does not identify any new evidence, clear error, or intervening change in law. 10 Instead, he argues that the court's judgment is void because defense counsel did not a "letter of 11 authority, power of attorney, corporate resolution, or other instrument" demonstrating that 12 counsel was authorized to represent defendant. ECF No. 63 at 2. Although an attorney must be 13 granted admission to practice before this court, there is no requirement that counsel verify 14 authorization to represent his or her client. Plaintiff has failed to demonstrate any basis for 15 reconsidering the court's September 17, 2025 judgment. 16 Accordingly, it is hereby RECOMMENDED that plaintiff's motion to alter or amend the 17 judgment, ECF No. 63, be DENIED. 18 These findings and recommendations are submitted to the United States District Judge 19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 20 service of these findings and recommendations, any party may file written objections with the 21 court and serve a copy on all parties. Any such document should be captioned "Objections to 22 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed 23 within fourteen days of service of the objections. The parties are advised that failure to file 24 objections within the specified time may waive the right to appeal the District Court's order. See 25 Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 26 1991). 27 28 1 > IT IS SO ORDERED. Dated: _ October 21, 2025 Q_—

4 JEREMY D. PETERSON

5 UNITED STATES MAGISTRATE JUDGE

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