

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gregory Goods v. David Baughman, et al.

Goods v. Baughman · No. No. 2:23-cv-02790-DJC-SCR P · Decided May 29, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 GREGORY GOODS, No. 2:23-cv-02790-DJC-SCR P 12 Plaintiff, 13 v.
ORDER 14 DAVID BAUGHMAN, et al., 15 Defendants. 16 17 Plaintiff has filed a motion to
amend or alter judgment pursuant to Federal Rule 18 of Civil Procedure 59(e). (ECF No. 24.)

Under the Federal Rules of Civil Procedure, a 19 party may file a “motion to alter or amend a
judgment” within “28 days after the entry 20 of the judgment.” Fed. R. Civ. P. 59(e). “Although
Rule 59 (e) permits a district court 21 to reconsider and amend a previous order, the rule offers an
‘extraordinary remedy, to 22 be used sparingly in the interests of finality and conservation of
judicial resources.’ ” 23 *Kona Enterprises, Inc. v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir.

2000) (quoting 6 24 James Wm. Moore, et al., *Moore's Federal Practice* § 54.78[1] (3d ed. 2000)).
The 25 Ninth Circuit has held a motion to alter or amend judgment under Rule 59(e) is 26
“usually available only when (1) the court committed manifest errors of law or fact, (2) 27 the
court is presented with newly discovered or previously unavailable evidence, (3) 28 the decision
was manifestly unjust, or (4) there is an intervening change in the 1 | controlling law.” *Rishorv*.

Ferguson, 822 F.3d 482, 491-92 (9th Cir. 2016) (citations 2 || omitted). The district court enjoys
considerable discretion in granting or denying the 3 | motion to alter or amend judgment. See *id.* at
492 (citation omitted). 4 Plaintiff's Motion fails to identify an appropriate basis to alter or amend 5
| judgment under Rule 59. Plaintiff does not show any manifest errors of law or fact, 6 | provide
newly discovered evidence, establish that the decision was manifestly unjust, 7 | or identify an
intervening change in the controlling law.

Id. at 491-92. Instead, 8 | Plaintiff argues that CDCR's institutional barriers to Plaintiff's access to
the law library 9 | inhibit his ability to perform the necessary legal work to pursue a lawsuit. (ECF
No. 24 10 | at 1-2.) These arguments do not address any valid basis for amending or altering 11 |
judgment. They also fail to address the underlying basis for the dismissal of this action 12 | based
on Plaintiff's failure to state a plausible claim for relief under section 1983.

13 Accordingly, Plaintiff's Motion to Alter or Amend Judgment under Rule 59e) 14 | (ECF No. 24)
is DENIED. 15 16 IT IS SO ORDERED. 17 | Dated: _May 29, 2025 “Daal CoO □□□□ Hon.

Daniel □ □ |. Cod 18 UNITED STATES DISTRICT JUDGE 19 20 21 | DJC1 -
Goods23cv02790.alterjudgment 22 23 24 25 26 27 28

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