

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

King Solomon v. Tapia

Solomon v. Tapia · No. 1:22-cv-1604-KES-HBK (PC) · Decided March 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denies Plaintiff King Solomon’s motion for reconsideration of the order striking his motion to compel discovery. The court construes the motion under Federal Rule of Civil Procedure 59(e) and concludes that Plaintiff showed neither grounds for reconsideration nor manifest injustice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 25, 2025
DOCKET	1:22-cv-1604-KES-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 59(e) for reconsideration of the court's order striking his motion to compel discovery. The court denied reconsideration.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted for newly discovered evidence, clear error, or an intervening change in controlling law; reconsideration is an extraordinary remedy committed to the sound discretion of the district court.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	King Solomon v. Tapia

TOPICS

- motion for reconsideration
- discovery dispute
- civil procedure

PRACTICE AREAS

- Civil procedure
- Discovery

QUESTIONS PRESENTED

1. Whether Plaintiff established grounds under Federal Rule of Civil Procedure 59(e) to reconsider the order striking his motion to compel discovery.
2. Whether denying reconsideration would result in manifest injustice.

HOLDINGS

1. Plaintiff was not entitled to reconsideration because he did not show newly discovered evidence, clear error, or an intervening change in controlling law.
2. Plaintiff was not entitled to reconsideration on a manifest-injustice theory because he identified no direct, obvious, and observable error in the prior order.

KEY QUOTATIONS

“A district court may grant a Rule 59(e) motion if it ‘is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.’” (at 1)

“Reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.”” (at 1)

“A Rule 59(e) motion “may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment.”” (at 1)

“The Court struck the Motion to Compel because Plaintiff did not first attempt to resolve his discovery dispute with defense counsel before filing his Motion to Compel.” (at 2)

““Manifest injustice,” as it pertains to Rule 59(e), is not to be used as a Trojan Horse to breach a court order for a second chance at litigating the same issue.” (at 2-3)

FACTUAL BACKGROUND

Plaintiff filed a one-paragraph motion to compel discovery without certifying that he had attempted to resolve the discovery dispute with defense counsel through the required meet-and-confer process. The court struck that motion as facially deficient. In seeking reconsideration, Plaintiff asserted that he had mailed the motion to the court and to defense counsel, but that the copy to counsel was presumably lost in institutional mail. The court found that service on defense counsel was not the basis for striking the motion; the deficiency was Plaintiff's failure to attempt to resolve the dispute before filing.

PROCEDURAL HISTORY

On January 21, 2025, the court struck Plaintiff's motion to compel as facially deficient because it lacked the required certification that Plaintiff had attempted to comply with the meet-and-confer requirement. Plaintiff filed a motion for reconsideration on February 3, 2025, asserting that he had mailed a copy of the motion to defense counsel. The court construed the motion as arising under Rule 59(e) and denied it.

DISPOSITION

CASES CITED

- Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014)
- McDowell v. Calderon, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th Cir. 2003)
- Exxon Shipping Co. v. Baker, 554 U.S. 471, 486 n. 5 (2008)
- Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)
- Greenspan v. Fieldstone Fin. Mgmt. Grp., LLC, 2018 WL 4945214, at *20 (D. Or. Aug. 22, 2018)
- In re Oak Park Calabasas Condominium Ass'n, 302 B.R. 682, 683 (Bankr. C.D. Cal. 2003)
- All. for Wild Rockies v. United States Forest Serv., 2020 WL 7082687, at *2 (D. Idaho Dec. 3, 2020)

OPINION

(PC) Solomon v. Tapia

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 KING SOLOMON, Case No. 1:22-cv-1604-KES-HBK (PC) 12 Plaintiff, ORDER
DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION

13 v. (Doc. No. 47)

14 TAPIA,

15 Defendant. 16

17 18 Pending before the Court is Plaintiff's Motion for Reconsideration filed on February 3, 19
2025. (Doc. No. 47). Plaintiff asks the Court to reconsider its January 21, 2025 Order striking 20
Plaintiff's Motion to Compel Discovery. (See generally *Id.*). Because Plaintiff filed the motion 21
within 28 days of the order being challenged, the Court construes the Motion as made pursuant to
22 Federal Rule of Civil Procedure 59(e). See Fed. R. Civ. P. 59(e). For the reasons set forth
below, 23 the Court denies the Motion. 24 Federal Rule of Civil Procedure 59(e) permits a party to
move a court to alter or amend its 25 judgment. "A district court may grant a Rule 59(e) motion if
it 'is presented with newly 26 discovered evidence, committed clear error, or if there is an
intervening change in the controlling 27 law.'" Wood v. Ryan, 759 F.3d 1117, 1121 (9th Cir. 2014)
(internal quotation marks omitted) 28 (quoting McDowell v. Calderon, 197 F.3d 1253, 1255 (9th
Cir. 1999) (en banc)) (emphasis in 1 original). Reconsideration is an "extraordinary remedy, to be

used sparingly in the interests of 2 finality and conservation of judicial resources.” Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 3 877, 890 (9th Cir. 2000). Ultimately, whether to grant or deny a motion for reconsideration is in 4 the “sound discretion” of the district court. Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th 5 Cir. 2003) (citing Kona, 229 F.3d at 883). A Rule 59(e) motion “may not be used to relitigate old 6 matters, or to raise arguments or present evidence that could have been raised prior to the entry of 7 judgment.” Exxon Shipping Co. v. Baker, 554 U.S. 471, 486 n. 5 (2008) (internal quotation marks 8 omitted); see also Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985); Marlyn 9 Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009). 10 On January 21, 2025 the Court struck Plaintiff’s Motion to Compel as facially deficient. 11 (Doc. No. 45). Specifically, in his the one-paragraph Motion to Compel, Plaintiff did not provide 12 the requisite certification that he attempted to comply with the meet and confer mandate. (See 13 generally Doc. No. 44). In his current Motion for Reconsideration, Plaintiff states that when he 14 mailed the Motion to Compel to the Court, he also mailed the Motion to Compel to defense 15 counsel, but it presumably was lost in institutional mail. (Doc. No. 47 at 1). The Court did not 16 strike the Motion to Compel because it was not served on defense counsel. The Court struck the 17 Motion to Compel because Plaintiff did not first attempt to resolve his discovery dispute with 18 defense counsel before filing his Motion to Compel. Thus, Plaintiff has not shown grounds that 19 warrant reconsideration. 20 Furthermore, Plaintiff fails to set forth facts showing that manifest injustice would result if 21 the Court were to deny his motion. “Courts of the Ninth Circuit generally treat ‘manifest 22 injustice’ as very nearly synonymous with ‘clear error,’ defining manifest injustice as any ‘error 23 in the trial court that is direct, obvious and observable, such as a defendant’s guilty plea that is 24 involuntary.’” Greenspan v. Fieldstone Fin. Mgmt. Grp., LLC, 2018 WL 4945214, at *20 (D. Or.

25 Aug. 22, 2018); see also In re Oak Park Calabasas Condominium Ass’n, 302 B.R. 682, 683 26 (Banks. C.D. Cal. 2003) (citing Black’s Law Dictionary 563 (7th ed. 1999)) (defining manifest 27 injustice under Rule 59(e)). “Manifest injustice,” as it pertains to Rule 59(e), is not to be used as 28 a Trojan Horse to breach a court order for a second chance at litigating the same issue. All. for 1 Wild Rockies v. United States Forest Serv., 2020 WL 7082687, at *2 (D. Idaho Dec. 3, 2020). 2 | Plaintiff has not set forth any facts to indicate a “direct, obvious and observable” error in the trial 3 | court that would constitute manifest injustice. Thus, he fails to meet his burden to justify 4 | reconsideration of the January 21, 2025 Order on that basis. 5 Accordingly, it is ORDERED: 6 Plaintiff’s Motion for Reconsideration (Doc. No. 47) is DENIED. 7 | Dated: _ March 24, 2025 Mihaw. ☐☐ fareh Hack

9 HELENA M. BARCH-KUCHTA

10 UNITED STATES MAGISTRATE JUDGE

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