

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PRECEDENTIAL VALUE	unpublished district court order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

other

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)