

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Jaime Cesar Gonzalez v. Akhavan, et al.

Gonzalez v. Akhavan · No. 1:23-cv-01506-JLT-BAM (PC) · Decided May 20, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Jaime Cesar Gonzalez’s motion for reconsideration of the dismissal of his 42 U.S.C. § 1983 action without prejudice. The court held that Gonzalez had not shown an intervening change in law, newly discovered evidence, clear error, manifest injustice, or other grounds warranting relief under Federal Rules of Civil Procedure 59(e) or 60(b).

CASE DETAILS

|                    |                                                                                                                                                                                                  |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of California                                                                                                                              |
| JURISDICTION       | United States District Court for the Eastern District of California                                                                                                                              |
| DECIDED            | May 20, 2025                                                                                                                                                                                     |
| DOCKET             | 1:23-cv-01506-JLT-BAM (PC)                                                                                                                                                                       |
| DISPOSITION        | other                                                                                                                                                                                            |
| PROCEDURAL POSTURE | Plaintiff moved for reconsideration of the final judgment dismissing his § 1983 action without prejudice for failure to provide sufficient information to effect service of process.             |
| STANDARD OF REVIEW | A motion to reconsider a final judgment is evaluated under Federal Rules of Civil Procedure 59(e) and 60(b), together with the requirements of Eastern District of California Local Rule 230(j). |
| PRECEDENTIAL VALUE | unpublished district court order                                                                                                                                                                 |
| PARTIES            | Jaime Cesar Gonzalez v. Akhavan, et al.                                                                                                                                                          |

TOPICS

- motion for reconsideration
- service of process
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional litigation
- remedies

## QUESTIONS PRESENTED

1. Whether Plaintiff established a basis under Federal Rule of Civil Procedure 59(e) to reconsider the judgment dismissing the action without prejudice.
2. Whether Plaintiff established a basis under Federal Rule of Civil Procedure 60(b) or Eastern District of California Local Rule 230(j) for relief from the final judgment.
3. Whether Plaintiff's claim that prison authorities withheld information identifying the defendants warranted reconsideration or additional time to effect service.

## HOLDINGS

1. Reconsideration of a final judgment is appropriate under Rule 59(e) only upon an intervening change in controlling law, newly available evidence, or the need to correct clear error or prevent manifest injustice; Rule 60(b) provides the specified grounds for relief from a final order or judgment, and Local Rule 230(j) requires identification of new or different facts or other grounds for reconsideration.
2. Plaintiff was not entitled to reconsideration because he did not show new or different facts that could not have been presented earlier or any other ground warranting relief from the judgment.

## KEY QUOTATIONS

*“Under Rule 59(e), three grounds may justify reconsideration: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error or prevent manifest injustice.”* (at 2)

*“Rule 60(b) permits a district court to relieve a party from a final order or judgment on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence . . .; (3) fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied . . . or (6) any other reason justifying relief from the operation of the judgment.””* (at 2)

## FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought a 42 U.S.C. § 1983 action alleging that officials were deliberately indifferent to his medical needs while transporting him after back surgery. Although the court found service appropriate, Plaintiff did not provide sufficient information to identify or locate the defendants. Plaintiff later asserted that prison authorities had refused to provide the necessary information and asked the court to identify or serve the warden and other prison officials.

## PROCEDURAL HISTORY

The court previously found service appropriate but concluded that Plaintiff had not supplied sufficient information to identify and locate the defendants. A magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 4(m), the district court adopted the recommendation, and judgment was entered on May 6, 2025. Plaintiff then filed a request for additional time and assistance identifying defendants, which the court construed as a motion for reconsideration and denied.

## DISPOSITION

other

#### CASES CITED

- Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 1985)
- Schroeder v. McDonald, 55 F.3d 454, 458-59 (9th Cir. 1995)
- Kern-Tulare Water Dist. v. City of Bakersfield, 634 F. Supp. 656, 665 (E.D. Cal. 1986), rev'd in part on other grounds, 828 F.2d 514 (9th Cir. 1987), cert. denied, 486 U.S. 1015 (1988)
- 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999)
- Sch. Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993)

#### OPINION

(PC) Gonzalez v. Akhavan

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 JAIME CESAR GONZALEZ, No. 1:23-cv-01506-JLT-BAM (PC)

12 Plaintiff, ORDER DENYING PLAINTIFF'S MOTION

FOR RECONSIDERATION

13 v. (Doc. 37) 14 AKHAVAN, et al., 15 Defendants. 16 17 Jaime Cesar Gonzalez is a state  
prisoner who proceeded pro se and in forma pauperis in 18 this civil rights action pursuant to 42  
U.S.C. § 1983. Plaintiff sought to hold the defendants liable 19 for violations of his rights under  
the Eighth Amendment while incarcerated at California City 20 Correctional Facility, asserting  
they exhibited deliberate indifference while transporting Plaintiff 21 following back surgery. (See  
generally Docs. 18, 23.) The Court found service was appropriate 22 on November 21, 2024.  
(Doc. 25.) Plaintiff did not provide sufficient information to effectuate 23 service upon the  
defendants. Therefore, the magistrate judge found Plaintiff failed to comply 24 with Federal Rule  
of Civil Procedure 4(m) and recommended the Court dismiss the action 25 without prejudice.  
(Doc. 33 at 2–5.) The Court adopted the findings and recommendations in full 26 and dismissed  
the action without prejudice on May 6, 2025. (Doc. 35.) The Court entered 27 judgment the same  
day. (Doc. 36.) Before the Court is Plaintiff's filing requesting an extension 28 of time to identify  
the defendants, which the Court construes as a motion for reconsideration, filed

1 May 15, 2025. (Doc. 37.)

2 Generally, a motion for reconsideration of a final judgment is appropriately brought under 3  
Federal Rule of Civil Procedure 59(e). See Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th Cir. 4  
1985) (discussing reconsideration of summary judgment); see also Schroeder v. McDonald, 55 5

F.3d 454, 458–59 (9th Cir. 1995). The motion must be filed no later than twenty-eight days after 6 entry of the judgment. See Fed. R. Civ. P. 59(e). Under Rule 59(e), three grounds may justify 7 reconsideration: (1) an intervening change in controlling law; (2) the availability of new evidence; 8 or (3) the need to correct clear error or prevent manifest injustice. See *Kern-Tulare Water Dist. v. 9 City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal. 1986), rev’d in part on other grounds, 828 10 F.2d 514 (9th Cir. 1987), cert. denied, 486 U.S. 1015 (1988); see also *389 Orange St. Partners v. 11 Arnold*, 179 F.3d 656, 665 (9th Cir. 1999); accord *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 12 1263 (9th Cir. 1993). 13 Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the 14 district court. Rule 60(b) permits a district court to relieve a party from a final order or judgment 15 on grounds of: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered 16 evidence . . . ; (3) fraud . . . of an adverse party; (4) the judgment is void; (5) the judgment has 17 been satisfied . . . or (6) any other reason justifying relief from the operation of the judgment.” 18 Fed. R. Civ. P. 60(b). Additionally, pursuant to this court’s Local Rules, when filing a motion for 19 reconsideration of an order, a party must show “what new or different facts or circumstances are 20 claimed to exist which did not exist or were not shown upon such prior motion, or what other 21 grounds exist for the motion.” Local Rule 230(j). 22 Plaintiff’s motion does not provide any basis for overturning the Court’s judgment 23 pursuant to Rule 59(e) or 60. As in his prior filings, Plaintiff argues that he has been trying to 24 identify defendants to provide the Court with enough information to identify and locate them for 25 service of process, but CDCR authorities refuse to give Plaintiff the information he needs. (Doc. 26 37.) Plaintiff also requests that the Court locate the “Warden of California City State Prison 27 Leanna Lundy” for service of process, or “Head of (CAC)” regarding their responsibilities to 28 oversee Plaintiff’s claims and to forward the names, identities, and whereabouts of authorities and 1 | leaders regarding Plaintiff’s petition. Plaintiff states that he knows that the Warden has all the 2 | information regarding the names, transports, logs and whereabouts of all individuals in question, 3 | and asks the Court to serve the Warden to produce the information as well as be held responsible 4 | for failure to protect his best interests and medical needs. (d.) 5 As the Court previously found, Plaintiff has had multiple opportunities to provide 6 | sufficient information to identify defendants in this action, and despite these opportunities and 7 | using the prison grievance process, Plaintiff continued to indicate that he had no additional 8 | information that could be used to locate the defendants. (Doc. 35 at 2.) Although Plaintiff claims 9 | that he knows Warden Leanna Lundy has the information he seeks, he has not shown that there 10 | are new or different facts that he could not have shown upon an earlier motion, or that there are 11 || other grounds for reconsidering the Court’s final order. 12 For these reasons, Plaintiff’s motion for reconsideration, (Doc. 37), is DENIED. This 13 || action remains closed. 14 15 IT IS SO ORDERED. 6 Dated: \_ May 20, 2025 Charis [Tourn

TED STATES DISTRICT JUDGE

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