

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)

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