

**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

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**OPINION**

(PC) Gonzalez v. Akhavan

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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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