

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Dolores Lucero v. Oak Run Elementary School District, et al.

Lucero v. Oak Run Elementary School District · No. 2:24-cv-02854-DC-SCR (PS) · Decided December 1, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DOLORES LUCERO, No. 2:24-cv-02854-DC-SCR (PS) 12 Plaintiff, 13 v.
ORDER DENYING PLAINTIFF’S MOTIONS FOR RECONSIDERATION 14 OAK RUN
ELEMENTARY SCHOOL DISTRICT, et al., (Doc. No. 91, 93) 15 Defendants. 16 17 This matter
is before the court on Plaintiff’s “objections” to the court’s September 17, 18 2025 order adopting
the assigned magistrate judge’s findings and recommendations.

(Doc. Nos. 19 91, 93.) The court will construe Plaintiff’s “objections” as motions for
reconsideration of the 20 court’s September 17, 2025 order. 21 Although in her motions Plaintiff
purports to invoke Rules 59(e) of the Federal Rules of 22 Civil Procedure, which applies after
judgment has been entered, the applicable rule governing 23 Plaintiff’s motions is actually Rule
54, which provides that “any order or other decision, however 24 designated, that adjudicates
fewer than all the claims... does not end the action as to any of the 25 claims... and may be revised
at any time before the entry of a judgment adjudicating all the 26 claims....” Fed.

R. Civ. P. 54(b). The Ninth Circuit has “long recognized ‘the well-established 27 rule that a
district judge always has power to modify or to overturn an interlocutory order or 28 decision
while it remains interlocutory.’” *Credit Suisse First Bos. Corp. v. Grunwald*, 400 F.3d 1 } 1119,
1124 (9th Cir. 2005) (quoting *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 2 | (9th
Cir.

1963)); see also *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 3 | 882,
885 (9th Cir. 2001) (“As long as a district court has jurisdiction over the case, then it 4 | possesses
the inherent procedural power to reconsider, rescind, or modify an interlocutory order 5 || for
cause seen by it to be sufficient.) (citation omitted). 6 “Reconsideration is appropriate if the
district court (1) is presented with newly discovered 7 | evidence, (2) committed clear error or the
initial decision was manifestly unjust, or (3) if there is 8 || an intervening change in controlling
law.” Sch.

Dist. No. 1J, Multnomah Cnty., Or. v. □□□□□□□□ 9 | Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). A
motion for reconsideration does not, however, give the 10 | moving party a “second bite at the
apple.” *Weeks v. Bayer*, 246 F.3d 1231, 1236 (9th Cir. 2001) 11 | (citation omitted). 12 In addition,
Local Rule 230Q) requires, in relevant part, that in moving for reconsideration 13 | of an order

denying or granting a prior motion, a party must show “what new or different facts or 14 || circumstances are claimed to exist which did not exist or were not shown” previously, “what 15 | other grounds exist for the motion,” and “why the facts or circumstances were not shown” at the 16 | time the substance of the order which is objected to was considered.

L.R. 230(j). 17 Here, Plaintiff raises the same arguments in her motions for reconsideration that were 18 || presented in her objections to those findings and recommendations (see Doc. Nos. 72, 79), and 19 | the court already considered and rejected those arguments. (Doc. No. 89). Plaintiff has not 20 | identified any basis under which this court should reconsider its order.

21 Accordingly, 22 1. Plaintiff's motions for reconsideration (Doc. Nos. 91, 93) are DENIED; and 23 2. This case is referred back to the assigned magistrate judge for further proceedings. 24 95 IT IS SO ORDERED. □ | Dated: _ November 26, 2025 RY Os Dena Coggins 27 United States District Judge 28