

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

Dolores Lucero v. Philip Lewis

Lucero v. Lewis · No. 2:24-cv-03116-DC-SCR (PS) · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Dolores Lucero’s motion for reconsideration of the court’s prior order adopting findings and recommendations. The court held that although the motion was timely, Plaintiff identified no new evidence, clear error, manifest injustice, or intervening change in controlling law, and the case remains closed.

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-03116-DC-SCR (PS) 12 Plaintiff, 13 v.
ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION 14 PHILIP LEWIS,
(Doc. No. 32) 15 Defendant. 16 17 This matter is before the court on Plaintiff’s motion for
reconsideration of the court’s 18 September 17, 2025¹ order adopting the assigned magistrate
judge’s findings and 19 recommendations.

(Doc. Nos. 30, 32.) 20 In her pending motion, Plaintiff invokes Rules 59(e) of the Federal Rules
of Civil 21 Procedure, which applies after judgment has been entered and provides that “[a]
motion to alter or 22 amend a judgment must be filed no later than 28 days after the entry of the
judgment.” Fed. R. 23 Civ. P. 59(e). “A timely filed motion for reconsideration under a local rule
is a motion to alter or 24 amend a judgment under [Rule] 59(e).” *Bestran Corp. v. Eagle
Comtronics, Inc.*, 720 F.2d 1019, 25 1019 (9th Cir.

1983). “Reconsideration is appropriate if the district court (1) is presented with 26 newly
discovered evidence, (2) committed clear error or the initial decision was manifestly 27 1 The
court’s September 17, 2025 order was entered on the docket on September 18, 2025. (Doc. 28 No.
30.) 1 | unjust, or (3) if there is an intervening change in controlling law.” *Sch.*

Dist. No. 1J, Multnomah 2 | Cnty., Or. v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). A
motion for reconsideration does 3 | not, however, give the moving party a “second bite at the
apple.” *Weeks v. Bayer*, 246 F.3d 1231, 4 | 1236 (9th Cir. 2001) (citation omitted).

In addition, Local Rule 230() requires, in relevant part, 5 | that in moving for reconsideration of an
order denying or granting a prior motion, a party must 6 | show “what new or different facts or
circumstances are claimed to exist which did not exist or 7 || were not shown” previously, “what

other grounds exist for the motion,” and “why the facts or 8 | circumstances were not shown” at the time the substance of the order which is objected to was 9 | considered.

L.R. 230(j). 10 Here, Plaintiff's motion for reconsideration was timely filed because judgment was 11 | entered on September 18, 2025, (Doc. No. 31), and Plaintiff filed the pending motion for 12 | reconsideration on October 1, 2025 (Doc. No. 32).

However, Plaintiff does not identify any basis 13 | that warrants reconsideration of the court's September 17, 2025 order. Plaintiff contends the court 14 | committed manifest error, but the arguments Plaintiff advances in her motion were already raised 15 | in her opposition to Defendant's motion to dismiss and in her objections to the findings and 16 | recommendations, and the court considered and rejected those arguments.

(See Doc. Nos. 27, 30.) 17 | Thus, Plaintiff's motion for reconsideration will be denied. 18 Accordingly, 19 1. Plaintiff's motion for reconsideration (Doc. No. 32) is DENIED; and 20 2. This case shall remain closed. 21 IT IS SO ORDERED. □ 23 | Dated: _December 28, 2025 DUC Dena Coggins 24 United States District Judge 25 26 27 28