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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

H.C. ANGLE, et al.,

Defendants.

Civil No. S-80-583-LKK [In Equity No. 30]

ORDER DENYING DEFENDANT’S
MOTION TO RECONSIDER

[PROPOSED]

This matter is before the Court on the motion to reconsider filed by the defendant, Michael J. Barkley. The defendant seeks reconsideration of the Court’s February 11, 2009 Order. That Order granted a motion filed by the plaintiff, United States of America, to amend the Angle Decree with regard to the place of use of certain water rights. The Order also denied a counter-motion filed by the defendant to set aside the Angle Decree in its entirety or, alternatively, to grant the defendant various forms of equitable relief. The United States has opposed the defendant’s motion to reconsider the February 11 Order.

The Court, having considered the defendant’s motion, the plaintiff’s response, the defendant’s reply, and the complete record in this matter, finds that good cause exists to DENY the defendant’s motion. The defendant has failed to provide any basis to reconsider the February

1 11 Order, and his motion and supporting declaration merely renew a series of facts and legal
2 claims that previously were available and, in a number of instances, actually were presented to
3 the Court in the initial round of briefing. Reconsideration is not available under these
4 circumstances pursuant to Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure.

5 Accordingly, IT IS HEREBY ORDERED THAT the defendant's motion to reconsider is
6 DENIED.

7 IT IS FURTHER ORDERED THAT no further motions to reconsider shall be filed in this
8 matter.

9 SO ORDERED this ___ day of _____, 2009.

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12 HONORABLE LAWRENCE K. KARLTON
13 SENIOR UNITED STATES DISTRICT JUDGE
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23 Presented by:

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