

MAR 10 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALVIN RONNEL ROSS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JAMES E. TILTON, CDCR Secretary and DERRAL G. ADAMS, Warden,</p> <p>Defendants - Appellees.</p>
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No. 09-16442

D.C. No. 1:08-cv-00060-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dennis L. Beck, Magistrate Judge, Presiding**

Submitted February 15, 2011***

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

California state prisoner Alvin Ronnel Ross appeals pro se from the district court's order denying his motion to reconsider the district court's judgment

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Ross consented to the jurisdiction of the magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissing his 42 U.S.C. § 1983 action alleging violations of his due process and equal protection rights under the Fourteenth Amendment. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Molloy v. Wilson*, 878 F.2d 313, 315 (9th Cir. 1989), and we affirm.

The district court did not abuse its discretion by denying the motion to reconsider because Ross has failed to demonstrate mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, or any other basis for relief from judgment. *See* Fed. R. Civ. P. 60(b); *see also* *Molloy*, 878 F.3d at 316.

AFFIRMED.