

FEB 29 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NEHEMIAH ROBINSON,

Plaintiff - Appellant,

v.

T. CATLETT, Sergeant; et al.,

Defendants - Appellees.

No. 10-56885

D.C. No. 3:08-cv-00161-H-BLM

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Marilyn L. Huff, District Judge, Presiding

Submitted February 21, 2012\*\*

Before: FERNANDEZ, McKEOWN, AND BYBEE, Circuit Judges.

California state prisoner Nehemiah Robinson appeals pro se from the district court's order denying his motion for reconsideration in his 42 U.S.C. § 1983 action alleging that defendants delayed assigning him to a lower bunk, confiscated his

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

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

cane, denied him pain medication, and retaliated against him. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Nunes v. Ashcroft*, 375 F.3d 805, 807 (9th Cir. 2004), and we affirm.

The district court did not abuse its discretion in denying Robinson's post-judgment motion because Robinson failed to show any newly discovered evidence, intervening change in controlling law, clear error, or manifest injustice. *See id.* at 807-08 (setting forth grounds justifying reconsideration).

Robinson's remaining contentions are unpersuasive.

**AFFIRMED.**