

FILED

JAN 15 2009

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA


James F. Johnson,)
)
Plaintiff,)
)
v.)
)
Brenda Robinson, <i>et al.</i> ,)
)
Defendants.)

Civil Action No. 08-2149

MEMORANDUM OPINION

Plaintiff moves for reconsideration of the Order filed December 11, 2008, dismissing this case for lack of subject matter jurisdiction. Plaintiff requests in the alternative that the submission be treated as his notice of appeal. A motion for reconsideration need not be granted “unless the district court finds that there is an intervening change in controlling law, the availability of new evidence or the need to correct a clear error or prevent manifest injustice.” *Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (citations and quotation marks omitted). The motion provides no basis for vacating the dismissal order. Accordingly, it is this 8th day of January 2009,

ORDERED that plaintiff's motion for reconsideration [Dkt. No. 5] is DENIED; and it is FURTHER ORDERED that the Clerk docket the submission also as plaintiff's notice of appeal.


United States District Judge