

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DYNELL JONES	§	
	§	
VS.	§	CIVIL ACTION NO. G-09-036
	§	
CALPINE CORPORATION, ET AL.	§	

OPINION AND ORDER

Before the Court is the “Motion to Reconsider Court’s Order Denying Plaintiff’s Motion for Extension of Time to File Memorandum in Opposition to Defendant’s Motion for Summary Judgment” of Plaintiff Dynell Jones; the Motion will be denied.

On March 29, 2010, following this Court’s denial of Plaintiff’s Motion for an extension, which was filed in order to permit Jones to seek a revocation of Calpine’s bankruptcy discharge which stood as a bar to his claims for severance benefits and bonuses, Jones filed the instant Motion. The Motion for an extension was denied due to Jones’ lack of diligence in requesting the revocation. In his Motion for Reconsideration Jones simply offers additional facts in support of the extension, however, the fact remains that as of April 23, 2010, Jones had still not filed any request with the Bankruptcy Court. A Motion for Reconsideration should not be used as a means to argue new facts or issues that inexcusably were not presented to the Court in the matter previously decided. Bhatnagar v. Surrendra Overseas Ltd., 52 F.3d 1220, 1231 (3rd Cir. 1995)

It is, therefore, **ORDERED** that the “Motion to Reconsider Court’s Order Denying Plaintiff’s Motion for Extension of Time to File Memorandum in Opposition to Defendant’s Motion for Summary Judgment” (Instrument no. 42) of Plaintiff Dynell Jones is **DENIED**.

DONE at Galveston, Texas, this 28th day of April, 2010.



 John R. Froeschner
 United States Magistrate Judge