

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

REBECCA TIMS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION 15-0516-WS-B
)	
SHAUN GOLDEN, etc., et al.,)	
)	
Defendants.)	

ORDER

By previous order, the Court granted in part a motion to dismiss filed by all served defendants. (Doc. 33). As relevant here, the Court dismissed the privacy and due process aspects of Count I of the complaint on the grounds that the defendant officers possess qualified immunity. (*Id.* at 3-15, 33). In particular, the plaintiff failed to carry her burden of showing that it was clearly established at the relevant time, by Supreme Court and/or Eleventh Circuit holdings, that the officers' conduct violated the plaintiff's Fourth Amendment right to privacy and/or Fourteenth Amendment right to due process.

The plaintiff has now filed a motion to reconsider and stay the Court's order of dismissal. (Doc. 38). As the Court has often observed,¹ the grant or denial of such a motion is left to the discretion of the trial court and may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised previously. Instead, a motion to reconsider is only available when a party presents the court with evidence of an intervening change in controlling law, the availability of new evidence, or the need to correct clear error or manifest injustice.²

¹ *E.g., Dyas v. City of Fairhope*, 2011 WL 833972 at *1 (S.D. Ala. 2011).

² *Id.*

The plaintiff does not acknowledge this standard or seek to satisfy it, and it is clear to the Court that none of the limited grounds for reconsideration are presented herein. Instead of attempting to show that the Court's ruling regarding her original complaint is incorrect, the plaintiff asks the Court to consider the factual allegations of her amended complaint, which purport to amplify those of the original, dismissed version. (Doc. 39). The Court, however, cannot reconsider a ruling it has not made. Accordingly, the motion to reconsider and to stay is **denied**.

DONE and ORDERED this 9th day of May, 2016.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE