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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Donald Edward Beaty,)	No. CV-92-2076-PHX-SRB
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	ORDER
)	
Charles L. Ryan, et al.,)	
)	
Respondents.)	

Petitioner moves this Court to reconsider its Order denying the parties’ joint request for an Order authorizing a confidential contact visit between Petitioner and a neuropsychologist, in support of his upcoming clemency application. (Doc. 348.)

Motions for reconsideration are disfavored and appropriate only if the court is presented with newly discovered evidence, if the court committed clear error or made a decision that was manifestly unjust, or there is an intervening change in controlling law. *See Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001). A motion for reconsideration is not a forum for the moving party to make new arguments not raised in the original briefs, *id.*, nor is it the time to ask a court to “rethink what it has already thought through,” *United States v. Rezzonico*, 32 F. Supp.2d 1112, 1116 (D. Ariz. 1998) (quotation omitted).

Petitioner argues that the Court committed clear error in concluding it did not have jurisdiction to issue the stipulated Order in this terminated habeas action. (Doc. 348.) The Court did not clearly err; rather, the Court properly held that this case is moot, having lost its character as a present live controversy and, consequently, the Court lacks jurisdiction to

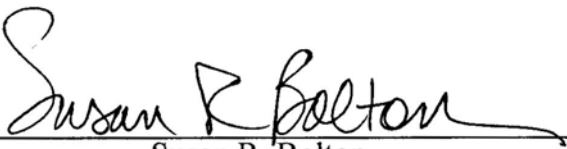
1 issue an order in a moot case. (See Doc. 346) (citing *Hall v. Beals*, 396 U.S. 45, 48 (1969);
2 *American Rivers v. National Marine Fisheries*, 126 F.3d 1118, 1123 (9th Cir. 1997).)

3 Petitioner argues that *United States v. Perez*, 475 F.3d 1110 (9th Cir. 2007) supports his
4 argument for jurisdiction. *Perez* is not helpful to Petitioner. At issue in *Perez* was whether
5 the district court violated remand instructions issued by the Ninth Circuit. The discussion
6 regarding whether the district court violated its mandate was certainly in the context of a
7 “live controversy,” not a moot case. *Id.* at 1113.

8 Accordingly,

9 **IT IS HEREBY ORDERED** denying Petitioner’s motion for reconsideration. (Doc.
10 348.)

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12 DATED this 12th day of August, 2010.

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16 Susan R. Bolton
17 United States District Judge
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