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

David William Linder,  
Plaintiff,  
vs.  
City of Bullhead City Police Dep't, et al.,  
Defendants.

No. CV 06-1157-PHX-DGC

**ORDER**

Plaintiff David William Linder brought this civil rights action under 42 U.S.C. § 1983 against Bullhead City Police Officer Richard Anderson (Doc. #10).<sup>1</sup> On September 4, 2008, the Court granted Defendant's Motion for Summary Judgment (Doc. ##29, 50).

Before the Court are Plaintiff's two Motions for Leave to Amend (Doc. #54, 57)<sup>2</sup> and a Motion for Reconsideration and/or in the Alternative Notice of Appeal (Doc. #58).

Plaintiff's first two motions are identical (Doc. ##54, 57). Although these motions' titles refer to leave to amend, Plaintiff only expresses his dissatisfaction with the Court's Summary Judgment Order. The motions will therefore be construed as a request for reconsideration.

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<sup>1</sup>Upon screening, the Court dismissed the Bullhead City Police Department as a Defendant (Doc. #14).

<sup>2</sup>Although Document #57 is entered on the docket as a "Motion to Amend/Correct," it is, like Document #54, titled "Motion for Leave to Amend."

1 Courts in this district have identified four circumstances where a motion for  
2 reconsideration will be granted: (1) the moving party has discovered material differences in  
3 fact or law from those presented to the Court at the time of its initial decision, and the party  
4 could not previously have known of the factual or legal differences through the exercise of  
5 reasonable diligence, (2) material factual events have occurred since the Court's initial  
6 decision, (3) there has been a material change in the law since the Court's initial decision,  
7 or (4) the moving party makes a convincing showing that the Court failed to consider  
8 material facts that were presented to the Court at the time of its initial decision. *See, e.g.,*  
9 *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003).  
10 Mere disagreement with a previous order is an insufficient basis for reconsideration. See  
11 Leong v. Hilton Hotels Corp., 689 F. Supp. 1572, 1573 (D. Haw. 1988).

12 Plaintiff presents no grounds for reconsideration; thus, both motions will be denied.  
13 Because the Court construed the first two filings as a request for reconsideration, it will  
14 construe the most recent filing solely as a Notice of Appeal of the Summary Judgment Order  
15 (Doc. #58).

16 **IT IS ORDERED:**

17 (1) Plaintiff's Motions for Leave to Amend (Doc. ##54, 57) are construed as requests  
18 for reconsideration and are **denied**.

19 (2) Plaintiff's Motion for Reconsideration and/or in the Alternative Notice of Appeal  
20 (Doc. #58) is construed as a Notice of Appeal.

21 (3) The Clerk of Court must designate Document #58 as a Notice of Appeal and  
22 proceed accordingly.

23 DATED this 24th day of October, 2008.

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David G. Campbell  
28 United States District Judge