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

Fortino Alvarez,  
Petitioner,

vs.

Rebecca Kisto,  
Respondent.

No. CIV 08-2226-PHX-DGC (DKD)

**ORDER**

Petitioner Fortino Alvarez, who is confined in the Federal Correctional Institution-Phoenix, filed a Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody and paid the filing fee. By Order filed December 23, 2008, the Court required Respondent to answer the Petition and denied Petitioner’s Motion for Appointment of Counsel.

On January 5, 2009, Petitioner filed a Motion for Reconsideration regarding the Court’s denial of appointment of counsel. Petitioner states that he has difficulty reading and writing and requires assistance for filing court documents.

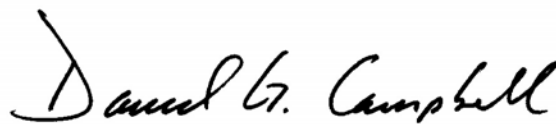
Motions for reconsideration should be granted only in rare circumstances. Defenders of Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D.Ariz. 1995). “Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an

1 intervening change in controlling law.” School Dist. No. 1J, Multnomah County v. ACandS,  
2 Inc., 5 F.3d 1255, 1263 (9th Cir. 1993), cert. denied, 512 U.S. 1236 (1994). Such motions  
3 should not be used for the purpose of asking a court “to rethink what the court had already  
4 thought through — rightly or wrongly.” Defenders of Wildlife, 909 F. Supp. at 1351  
5 (quoting Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D.Va.  
6 1983)).

7 The Court has reviewed Petitioner’s filings in this action finds that Petitioner has  
8 adequately articulated his claims and that the legal issues involved are not inherently  
9 complex. Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983) (*per curiam*) (the  
10 determination of whether to appoint counsel is guided by an assessment of petitioner’s  
11 ability to articulate his claim, the complexity of the legal issues, and the likelihood of success  
12 on the merits). The Court will therefore deny Petitioner’s Motion for Reconsideration and  
13 again declines to appoint counsel.

14 **IT IS THEREFORE ORDERED** that Petitioner’s January 5, 2008 Motion for  
15 Reconsideration (Doc. #5) is **denied**.

16 DATED this 4th day of February, 2009.

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21 David G. Campbell  
22 United States District Judge  
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