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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,
vs.
2005 Toyota Sequoia,
VIN:5TDZT38AX5S239010,
Defendant.

No. CV 09-2012-PHX-JAT

ORDER

Plaintiff United States of America (“Plaintiff”) filed a Motion to Strike Claim and Answer of Mukhtiar Singh on July 14, 2010. (Doc. 21.) The Court denied that Motion on October 25, 2010, finding Mukhtiar Singh (the “Claimant”) has standing to assert a claim to the 2005 Toyota Sequoia the Plaintiff seeks to forfeit. (Doc. 23.) Plaintiff filed a Motion to Reconsider the Court’s Order on November 8, 2010. (Doc. 25.) The Court did not order the Claimant to file a response to the Motion for Reconsideration. L.R.Civ.P.7.2(g)(2)(“No response to a motion for reconsideration and no reply to the response may be filed unless ordered by the Court . . .”).¹

¹The Plaintiff filed a Motion for Entry of Judgment (Doc. 27) based on Claimant’s failure to respond to the Motion for Reconsideration. But, as set out above, Claimant was not allowed to file a response to the motion to reconsider absent an Order from this Court. L.R.Civ.P. 7.2(g)(2). The Court therefore denies the Motion for Entry of Judgment (Doc. 27).

1 **I. Legal Standard**

2 Generally, motions for reconsideration are appropriate only if: 1) the movant presents
3 newly discovered evidence; 2) the Court committed clear error or the initial decision was
4 manifestly unjust; or 3) an intervening change in controlling law has occurred. *School Dist.*
5 *No. 1J, Multnomah County, Or. v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Motions
6 for reconsideration are disfavored, and parties should not use them to make arguments not
7 raised in their original briefs. *Motorola, Inc. v. J.B. Rodgers Mechanical Contractors, Inc.*,
8 215 F.R.D. 581, 582 (D.Ariz.2003)(citing *Northwest Acceptance Corp. v. Lynnwood Equip.*,
9 *Inc.*, 841 F.2d 918, 925-26 (9th Cir. 1988)). Nor should a party file a motion to reconsider
10 to ask the Court “to rethink what it has already thought.” *Id.* (internal citations omitted).
11 “No motion for reconsideration of an Order may repeat any oral or written argument made
12 by the movant in support of or in opposition to the motion that resulted in the Order.”
13 L.R.Civ.P. 7.2(g)(1). The Court ordinarily will deny a motion for reconsideration “absent
14 a showing of manifest error or a showing of new facts or legal authority that could not have
15 been brought to its attention earlier with reasonable diligence.” *Id.*

16 **II. Analysis and Conclusion**

17 Plaintiff makes several new arguments in its Motion to Reconsider, primarily
18 arguments regarding statutory standing and prudential standing. Plaintiff has not indicated
19 an intervening change in the law since the Court’s Order and offers no reason why it could
20 not have made these arguments in its original Motion to Strike. As set out above, parties
21 cannot use motions to reconsider to make arguments not raised in their original briefs.
22 *Motorola*, 215 F.R.D. at 582. The Court therefore will not address these new arguments.

23 Regarding the Court’s ruling on Claimant’s Article III standing, Plaintiff makes some
24 of the same arguments it made in the Motion to Strike. To the extent Plaintiff’s Article III
25 arguments in the motion to reconsider are repetitions of its earlier written arguments in
26 support of the Motion to Strike, the Court will ignore the repetitions. L.R.Civ.P. 7.2(g)(1).
27 The Court further holds that it did not commit clear error in finding that Claimant has Article
28 III standing in this civil forfeiture action. *See, e.g., U.S. v. Real Property Located at 475*

1 *Martin Lane, Beverly Hills, CA*, 545 F.3d 1134, 1140 (9th Cir. 2008)(To demonstrate Article
2 III standing in a civil forfeiture action a claimant need “demonstrate only a colorable interest
3 in the forfeited property, for example, by showing actual possession, control, *title*, or
4 financial stake.”)(emphasis added).

5 Nor does the Court find that it made any other clear legal errors in its October 25,
6 2010 Order. And allowing Claimant to maintain his claim to the 2005 Toyota Sequoia was
7 not “manifestly unjust.” Plaintiff has not presented any newly discovered evidence or
8 indicated a change in controlling law.

9 The Court, however, will grant the Motion to Reconsider to a very limited extent to
10 clarify a portion of its Order, but will not grant any of the relief requested by Plaintiff. On
11 page 3 of the October 25, 2010 Order, in recounting the background facts, the Court stated
12 that the criminal defendant “together with his wife, Claimant’s daughter, paid off a large
13 portion of the loan . . .” (Doc. 23, 3:10-12.) The Court clarifies that the wife to whom the
14 Court referred in this sentence of its Order is Davinder Kaur, wife of the criminal defendant
15 Parminder S. Toor, and daughter of the Claimant. So, the Court’s sentence conveys that the
16 criminal defendant and his wife, Davinder Kaur, paid off a large portion of the car loan and
17 made payments toward the insurance policy on Claimant’s behalf.

18 The Court denies the Motion to Reconsider in all other respects.

19 Accordingly,

20 **IT IS ORDERED** Granting Plaintiff’s Motion to Reconsider (Doc. 25) to the limited
21 extent set out in this Order and Denying the Motion to Reconsider in all other respects.

22 **IT IS FURTHER ORDERED** Denying Plaintiff’s First Motion for Judgment
23 Regarding Plaintiff’s Motion to Reconsider (Doc. 27).

24 DATED this 30th day of June, 2011.

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James A. Teilborg
United States District Judge