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

Carlos Paul Montoya,
Plaintiff,
vs.
R. Dear, et al.,
Defendants.

No. CV 10-193-PHX-RCB (DKD)

ORDER

Plaintiff Carlos Paul Montoya, who is confined in the Arizona State Prison Complex-Lewis, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. On March 11, 2010, the Court granted Plaintiff *in forma pauperis* status, ordered Defendants Dear and McCarville to answer Count I of the Complaint, and dismissed the remaining claims and Defendants without prejudice.

On March 23, 2010, Plaintiff filed a Motion for Reconsideration asking the Court to reinstate the claims and Defendants that were dismissed in the March 11th screening Order.


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 intervening change in controlling law.” School Dist. No. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Such motions should not be used for the purpose of

1 asking a court “to rethink what the court had already thought through — rightly or
2 wrongly.” Defenders of Wildlife, 909 F. Supp. at 1351 (quoting Above the Belt, Inc. v. Mel
3 Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D.Va. 1983)). The failure to properly brief
4 an issue does not warrant granting a motion to reconsider. Motorola, Inc. v. J.B. Rogers
5 Mechanical Contractors, Inc., 215 F.R.D. 581, 586 (D. Ariz. 2003).

6 The Court has reviewed Plaintiff’s Motion for Reconsideration, the Complaint, and
7 the screening Order. The Court finds no basis for reconsideration of the screening Order and
8 will therefore deny Plaintiff’s Motion for Reconsideration.

9 **IT IS ORDERED** that Plaintiff’s March 23, 2010 Motion for Reconsideration (Doc.
10 #8) is **denied**.

11 Dated this 8th day of April , 2010 .

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15 Robert C. Broomfield
16 Senior United States District Judge
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