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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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United States of America,

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No. CV-10-444-PHX-GMS

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Plaintiff,

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ORDER

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vs.

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Vistoso Partners, LLC,

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Defendant.

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On January 3, 2012, the Court issued its Findings of Fact and Conclusions of Law in this action. (Doc. 85). Pending before the Court is Defendant’s Motion for Reconsideration of the Court’s January 3 decision. (Doc. 88). As discussed below, Defendant’s motion is denied.

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Generally, motions to reconsider are appropriate only if the 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, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A motion for reconsideration should not be used to ask a court “to rethink what the court had already thought through, rightly or wrongly.” *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D.Va. 1983)).

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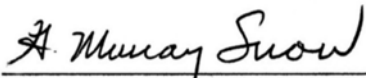
In the instant case, Defendant contends that the Court’s “Conclusions of Law 7, 8, and 9 constitute manifest error.” (Doc. 88 at 1). In essence, however, Defendant’s motion is a

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1 request for the court to rethink what the court has already thought through. (*See* Doc. 88).
2 Such requests should be directed to the court of appeals. *Sullivan v. Faras-RLS Group, Ltd.*,
3 795 F. Supp. 305, 309 (D. Ariz. 1992).

4 **IT IS THEREFORE ORDERED** that Defendant's Motion for Reconsideration
5 (Doc. 88) is **denied**.

6 DATED this 20th day of January, 2012.

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10 G. Murray Snow
11 United States District Judge
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