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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). On January 17, 2012, Defendant filed a motion for reconsideration of the Court’s January 3 decision, which the Court denied. (Docs. 88, 89). On February 7, 2012 the Court formally entered judgment against Defendant. (Doc. 90). Pending before the Court is Defendant’s motion for a new trial and to alter and amend the judgment, pursuant to Federal Rule of Civil Procedure 59(a)(2) and 59(e). (Doc. 91).

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Federal Rule of Civil Procedure 59(a)(2) provides that: “After a nonjury trial, the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.” Rule 59(e) reads: “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” The Court will grant a Rule 59 motion 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

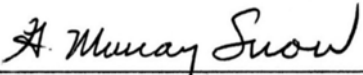
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1 intervening change in controlling law.” *School Dist. No. 1J, Multnomah County, Or. v.*
2 *ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A motion for reconsideration should not
3 be used to ask a court “to rethink what the court had already thought through, rightly or
4 wrongly.” *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D.Va.
5 1983)).

6 Defendant’s motion is in essence a request for the court to rethink what the court has
7 already thought through. (*See* Doc. 91). Such requests should be directed to the court of
8 appeals. *Sullivan v. Faras-RLS Group, Ltd.*, 795 F. Supp. 305, 309 (D. Ariz. 1992).

9 **IT IS THEREFORE ORDERED** that Defendant’s Combined Motion for a New
10 Trial and Motion to Alter or Amend Judgment (Doc. 91) is **DENIED**.

11 DATED this 20th day of June, 2012.

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15 G. Murray Snow
16 United States District Judge
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