



1 (Doc. 53.) The Court granted the motion regarding failure to exhaust, finding that  
2 Defendants had met their burden to establish the availability of an administrative-remedy  
3 procedure and that Plaintiff failed to properly exhaust his remedies under that procedure as  
4 to the following:

- 5 • extreme idleness: allowed to only read 1 book or newspaper per week and does not  
6 have access to programs, education or religious services provided in segregation;
- 7 • the clothing provided in segregation is limited to only one change of clothes, a boxer  
8 and T-shirt;
- 9 • no access to a storage locker; and
- 10 • sun block, lip balm, lotion, and dental floss are not allowed.

11 (Doc. 73 at 3-4.) As to the remaining claims, the Court found insufficient evidence of  
12 constitutional violations. Plaintiff generally offered nothing but conclusory statements, or  
13 he failed to demonstrate a substantial risk of harm, or to connect Defendants to the alleged  
14 violation, or to establish that they ignored a known risk of substantial harm. (Id. at 8, 10, 11,  
15 12, 13, 14-15, 16, 17.)

## 16 **II. Motion for Reconsideration**

### 17 **A. Legal Standard**

18 Motions for reconsideration should be granted only in rare circumstances. Defenders  
19 of Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). Mere disagreement with  
20 a previous order is an insufficient basis for reconsideration. See Leong v. Hilton Hotels  
21 Corp., 689 F. Supp. 1572, 1573 (D. Haw. 1988). Rather, reconsideration is appropriate only  
22 “in the face of the existence of new evidence, an intervening change in the law, or as  
23 necessary to prevent manifest injustice.” Navajo Nation v. Confederated Tribes of Yakama  
24 Indian Nation, 331 F.3d 1041, 1046 (9th Cir. 2003). “Reconsideration is appropriate if the  
25 district court (1) is presented with newly discovered evidence, (2) committed clear error or  
26 the initial decision was manifestly unjust, or (3) if there is an intervening change in  
27 controlling law.” School Dist. No. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255,  
28 1263 (9th Cir. 1993) (citation omitted); Ybarra v. McDaniel, 656 F.3d 984, 998 (9th Cir.  
2011). A motion for reconsideration “may not be used to raise arguments or present  
evidence for the first time when they could reasonably have been raised earlier in the  
litigation.” Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). Nor

1 may a motion for reconsideration repeat any argument previously made in support of or in  
2 opposition to a motion. Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc., 215 F.R.D.  
3 581, 586 (D. Ariz. 2003).

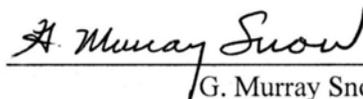
4 **B. Plaintiff's Contentions and Analysis**

5 In his Motion for Reconsideration, Plaintiff asserts that Segregation Activity Reports  
6 (SARS) are anonymously filled out, so the Court should not have relied on the evidence.  
7 (Doc. 75 ¶ 1.) He claims that the Court is biased against Hawaiian inmates because no one  
8 has won a single lawsuit. (Id. ¶ 2.) He argues that the Court demonstrated its bias when it  
9 found that Plaintiff had no evidence, when in fact he submitted affidavits, and his affidavits  
10 were based on personal knowledge. (Id. ¶¶ 3-5.)

11 The Court will deny reconsideration. As noted above, the Court found Plaintiff's  
12 evidence insufficient to survive summary judgment. Plaintiff does not provide newly  
13 discovered evidence, demonstrate that the Court committed clear error, or claim an  
14 intervening change in controlling law. He simply disagrees with the Court's Order, but that  
15 is not sufficient for reconsideration. See Leong, 689 F. Supp. 1572, 1573 (D. Haw. 1988).

16 **IT IS ORDERED that Plaintiff's Motion for Reconsideration (Doc. 75) is denied.**

17  
18 DATED this 10th day of July, 2012.

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G. Murray Snow  
United States District Judge