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

8 Jonathon Alan Farnham, Sr.,  
9 Plaintiff,

No. CV-11-1094 PHX-DGC

**ORDER**

10 vs.

11 John C. Cooper, et al.,  
12 Defendants.  
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15 Plaintiff Jonathon Alan Farnham, Sr. filed a motion for reconsideration of the  
16 Court's February 23, 2012 order granting Defendants' motions to dismiss. Doc. 19; *see*  
17 Doc. 17. In that order, the Court dismissed Farnham's complaint for failure to state a  
18 claim upon which relief can be granted. Doc. 17 at 2. The Court referred Farnham to  
19 three prior orders issued by Judge Neil V. Wake dismissing Farnham's substantially  
20 identical complaint, first with leave to amend and then with prejudice. *Id.*; *see* Case No.  
21 2:11-CV-00192-PHX-NVW, Docs. 6, 8, 10. Farnham now requests reconsideration as to  
22 his claims against Defendant Forster only. Doc. 19 at 1.

23 Farnham's motion does not meet the standards for reconsideration under Local  
24 Rule of Civil Procedure 7.2(g)(1), which states that "[t]he Court will ordinarily deny a  
25 motion for reconsideration . . . absent a showing of manifest error or a showing of new  
26 facts or legal authority that could not have been brought to its attention earlier with  
27 reasonable diligence." LRCiv 7.2(g)(1); *see Carroll v. Nakatani*, 342 F.3d 934, 945 (9th  
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1 Cir. 2003). Farnham does not argue that the Court erred in dismissing his complaint; nor  
2 does he present new facts or legal theories that he could not have presented earlier.  
3 Rather, Farnham argues that “he now has an understanding of what the court has been  
4 referring to in reference to suing defendants in their official capacity and should of [sic]  
5 sued them in their individual capacity.” Doc. 19 at 1. This is not a proper basis to  
6 reconsider the dismissal of Farnham’s complaint.

7 The Court is also not persuaded that Farnham would have a claim against  
8 Defendant Forster for destruction of his property if he could simply correct or refile his  
9 complaint “using the proper language.” Doc. 19 at 1. In addition to finding that the  
10 Eleventh Amendment barred Farnham’s complaints against individuals in their official  
11 capacity, Judge Wake previously found that Farnham had failed to allege sufficient facts  
12 to state a claim. *See* Case No. 2:11-CV-00192-PHX-NVW, Docs. 6, 8, 10. The Court  
13 quoted from Judge Wake’s final order: “[N]one of Farnham’s allegations against any  
14 Defendant – especially his allegations of intent – rise ‘above the speculative level.’  
15 *Twombly*, 550 U.S. at 555. Any number of circumstances could explain Farnham’s loss  
16 of property.” Doc. 17 at 2 (quoting 2:11-CV-00192-PHX-NVW, Doc. 10 at 4). The  
17 Court went on to find that “Mr. Farnham’s instant complaint provides no new legal  
18 theories or relevant factual allegations to cure the deficiencies of his prior cause of  
19 action.” Doc. 17 at 2-3. Farnham has not shown that the Court’s order was in error or  
20 that he now has sufficient new facts or legal theories to support his claims.

21 **IT IS ORDERED** that Plaintiff Jonathon Alan Farnham, Sr.’s motion for  
22 reconsideration (Doc. 19) is **denied**.

23 Dated this 21st day of March, 2012.

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David G. Campbell  
United States District Judge