

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Pasquale Labate, Jr.,

)

No. CV-11-1434-PHX-GMS

10

Plaintiff,

)

ORDER

11

vs.

)

12

City of Casa Grande,

)

13

Defendant.

)

14

)

15

)

16

Pending before the Court is Plaintiff’s Motion for Reconsideration of the order dismissing this case. (Doc. 23). For the reasons stated below, the motion is denied.

18

This case was dismissed for lack of subject-matter jurisdiction on November 17, 2011. The background facts in the case and the reasons for the dismissal are provided in the dismissal order. (Doc. 21).

21

Under Rule 59(e), a motion for reconsideration may be granted only on one of four grounds, “1) the motion is necessary to correct manifest errors of law or fact upon which the judgment is based; 2) the moving party presents newly discovered or previously unavailable evidence; 3) the motion is necessary to prevent manifest injustice or 4) there is an intervening change in controlling law.” *Turner v. Burlington N. Santa Fe R.R. Co.*, 338 F.3d 1058, 1063 (9th Cir. 2003) (internal quotations and emphasis omitted). Motions for reconsideration are disfavored and are not the place for parties to make new arguments not raised in their original briefs and arguments. *See Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d

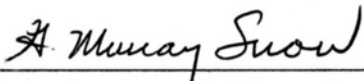
28

1 918, 925–26 (9th Cir. 1988). Nor should such motions ask the Court to “rethink what the
2 court has already thought through – rightly or wrongly.” See *United States v. Rezzonico*, 32
3 F. Supp. 2d 1112, 1116 (D. Ariz. 1998) (quoting *Above the Belt, Inc. v. Mel Bohannon*
4 *Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)).

5 Plaintiff’s motion reads, in its entirety, “Plaintiff/Pasquale Labate Motion for
6 Reconsideration to review and re-instate Plaintiff law suit against City of Casa Grande.
7 Defendant’s Plaintiff justice request and justice for all is my father who challenge the ivil.”
8 [sic] (Doc. 23). Plaintiff raises none of the four issues appropriate for a motion to reconsider,
9 and the motion is therefore denied.

10 **IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Reconsider (Doc. 23) is
11 **denied**. This case is to remain closed.

12 DATED this 5th day of December, 2011.

13 
14 _____
15 G. Murray Snow
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28