

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

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 Second Motion for Reconsideration of the order dismissing this case. (Doc. 25). For the reasons stated below, the motion is denied.

17

18

BACKGROUND

19

This case was dismissed for lack of subject-matter jurisdiction on November 17, 2011.

20

The background facts in the case and the reasons for the dismissal are provided in the dismissal order. (Doc. 21).

21

22

DISCUSSION

23

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

24

25

26

27

28

1 disfavored and are not the place for parties to make new arguments not raised in their original
2 briefs and arguments. *See Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d
3 918, 925–26 (9th Cir. 1988). Nor should such motions ask the Court to “rethink what the
4 court has already thought through—rightly or wrongly.” *See United States v. Rezzonico*, 32
5 F. Supp. 2d 1112, 1116 (D. Ariz. 1998) (quoting *Above the Belt, Inc. v. Mel Bohannon*
6 *Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)).

7 **ANALYSIS**

8 Plaintiff states that he has new witnesses prepared to testify on his behalf. (Doc. 25).
9 His suit was dismissed for lack of subject-matter jurisdiction; he offers no argument
10 suggesting that jurisdiction was in fact proper. He brings no argument pursuant to any of the
11 four grounds upon which an order may be reconsidered under Rule 59(e). Should he continue
12 to file frivolous motions, he will be subject to sanctions.

13 **IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Reconsider (Doc. 25) is
14 **denied**. This case is to remain closed.

15 DATED this 14th day of December, 2011.

16 
17 _____

18 G. Murray Snow
19 United States District Judge
20
21
22
23
24
25
26
27
28