

1 **WO**

2  
3  
4  
5  
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8  
9 Anthony Camboni

10 Plaintiff,

11 v.

12 MGM Grand Hotel, LLC, et al.

13 Defendants.

No. CV11-1784-PHX DGC

**ORDER**

14 Plaintiff has filed a motion to amend his complaint. Doc. 47. The Court  
15 previously dismissed Plaintiff's complaint with prejudice. Doc. 45. The Court explained  
16 that pro se litigants are entitled to notice of a complaint's deficiencies and an opportunity  
17 to amend unless it is "absolutely clear that the deficiencies cannot be cured by  
18 amendment." *Id.* at 9. The Court concluded that it was absolutely clear in this case that  
19 the deficiencies of Plaintiff's complaint – untimely filing under the applicable four-year  
20 statute of limitations and Plaintiff's failure to allege any unlawful conduct – could not be  
21 cured by amendment. *Id.*

22 Plaintiff now asserts that he failed to plead several issues (Doc. 47 at 2), but he  
23 does not identify these issues or provide the Court with any basis to reconsider its prior  
24 judgment. Plaintiff argues excusable neglect because he is not a licensed attorney and he  
25 was faced with several life issues such as moving to a new city and selling his residence  
26 that kept him from devoting time to his complaint. Doc. 47 at 2-3. But Plaintiff has had  
27 more than ample time to make his claims. Plaintiff filed his complaint on September 9,  
28 2011 – nearly eleven months ago – for alleged wrongful actions that took place more than

1 four years earlier. Doc. 1. Plaintiff filed an amended complaint on February 24, 2012  
2 (Doc. 7), and received two extensions of time for completing service on Defendants and  
3 an extension of time to respond to the motion to dismiss. See Doc. 39. Plaintiff has  
4 received prior warnings that he must comply with the Federal Rules of Civil Procedure,  
5 including timely filing. *Id.* at 1, 4. Over the course of eleven months and an amended  
6 complaint, Plaintiff has failed to present any viable claims, and his motion to amend adds  
7 no information that would change this outcome. The Court will deny Plaintiff's motion  
8 to amend his complaint.

9 Plaintiff has also filed a motion to alter or amend judgment and motion for a new  
10 trial which the Court will construe as a motion for reconsideration. Doc. 48. Motions for  
11 reconsideration "are 'disfavored' and will be granted only upon a showing of 'manifest  
12 error' or 'new facts or legal authority that could not have been raised earlier with  
13 reasonable diligence.'" *In re Rosson*, 545 F.3d 764, 769 (9th Cir. 2008) (citation and  
14 brackets omitted); see *S.E.C. v. Kuipers*, No. 09-36016, 2010 WL 3735788, at \*3 (9th  
15 Cir. Sept. 21, 2010); LRCiv 7.2(g)(1). Plaintiff does not meet this standard. Plaintiff  
16 asserts the same generalized reasons for excusable neglect that he asserted in his motion  
17 to amend, but he utterly fails to state any reason why the Court's prior order was in error  
18 or to provide any new facts or legal authority that would support Plaintiff's claims. The  
19 Court will deny Plaintiff's motion.

20 **IT IS ORDERED** that Plaintiff Anthony Camboni's motion to amend (Doc. 47)  
21 and motion to alter or amend judgment and motion for a new trial (Doc. 48) are **denied**.

22 Dated this 9th day of August, 2012.

23  
24  
25 

26 \_\_\_\_\_  
27 David G. Campbell  
28 United States District Judge