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

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9 Lon Roger Coleman,

10 Plaintiff,

11 v.

12 Charles L. Ryan, et al.,

13 Defendants.

No. CV-12-01553-PHX-DGC

**ORDER**

14 Lon Roger Coleman (“Petitioner”) filed a Petition for a Writ of Habeas Corpus on  
15 July 19, 2012. On February 20, 2013, Magistrate Judge James F. Metcalf issued a Report  
16 & Recommendation (“R&R”) that the Petition be denied with prejudice because it was  
17 untimely under the Antiterrorism and Effective Death Penalty Act (“AEDPA”). Doc. 19  
18 at 20-21. On April 1, 2013, the Court issued an order accepting Judge Metcalf’s R&R  
19 and denying the petition. Doc. 21. Petitioner filed a motion captioned “Memo to the  
20 court – notice of errors” on April 29, 2013. The Court will construe the submission as a  
21 motion for reconsideration and deny the motion.

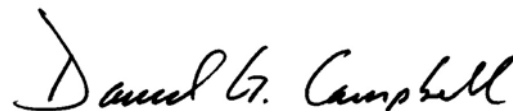
22 Motions for reconsideration are disfavored and are not the place for parties to  
23 make new arguments not raised in their original briefs and arguments. *See Northwest*  
24 *Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th Cir. 1988). Nor  
25 should such motions ask the Court to rethink what it has already considered. *See United*  
26 *States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998) (citing *Above the Belt, Inc.*  
27 *v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). Under Rule 59(e), a  
28 motion for reconsideration should not be granted unless the Court is presented with

1 newly discovered evidence, committed clear error or the initial decision was manifestly  
2 unjust, or there is an intervening change in controlling law. *See 389 Orange Street*  
3 *Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999) (citing *Sch. Dist. No. 1J v.*  
4 *ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)); *Turner v. Burlington N. Santa Fe R.R.*  
5 *Co.*, 338 F.3d 1058, 1063 (9th Cir. 2003).

6 Petitioner has not presented the Court with newly discovered evidence. He has not  
7 shown that the Court committed clear error when it adopted the R&R, nor has he  
8 identified an intervening change in controlling law. Petitioner merely reasserts that he  
9 failed to timely file his petition because he lacks legal knowledge, has limited access to  
10 research materials, and suffers from mental disorders. All of these complaints were made  
11 before Magistrate Judge Metcalf, and he concluded that they did not constitute the  
12 “extraordinary circumstances” necessary for equitable tolling of the statute of limitations.  
13 Doc. 19 at 7-12 (citing *Ramirez v. Yates*, 571 F.3d 993, 997 (9th Cir. 2009)). This Court  
14 engaged in a *de novo* review and also concluded that these reasons did not constitute  
15 extraordinary circumstances for the purposes of equitable tolling. Doc. 21 at 3-5.

16 **IT IS ORDERED** that Petitioner’s motion for reconsideration (Doc. 23) is  
17 **denied.**

18 Dated this 23rd day of May, 2013.

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23 David G. Campbell  
24 United States District Judge  
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