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

No. CV-16-03213-PHX-ESW

Lee Kent Hempfling, et al.,

Plaintiffs,

v.

M Lando Voyles, et al.,

Defendants.

**ORDER**

On April 11, 2017, the Court granted the State Defendants’ Motion to Dismiss and dismissed Plaintiffs’ Complaint without prejudice for lack of subject matter jurisdiction. (Doc. 24). On April 13, 2017, Plaintiffs’ filed a “Motion for Reconsideration and Relief from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate Summary Judgment” (Doc. 25).

To prevail on a Federal Rule of Civil Procedure 60(b) motion for relief from a final judgment or order, a litigant must show “(1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) ‘extraordinary circumstances’ which would justify relief.” *School Dist. No. 1J, Multnomah County, Oregon v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see also Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

1 Motions for reconsideration should be granted only in rare circumstances. *See*  
2 *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). “Reconsideration is appropriate  
3 if the district court (1) is presented with newly discovered evidence, (2) committed clear  
4 error or the initial decision was manifestly unjust, or (3) if there is an intervening change  
5 in controlling law.” *School Dist. No. 1J, Multnomah County*, 5 F.3d at 1263; *see also*  
6 LRCiv 7.2(g)(1) (“The Court will ordinarily deny a motion for reconsideration of an  
7 Order absent a showing of manifest error or a showing of new facts or legal authority that  
8 could not have been brought to its attention earlier with reasonable diligence.”). Such  
9 motions should not be used for the purpose of asking a court “to rethink what the court  
10 had already thought through – rightly or wrongly.” *Defenders of Wildlife v. Browner*,  
11 909 F.Supp 1342, 1351 (D. Ariz. 1995) (internal quotation marks and citation omitted).

12 Plaintiffs’ Motion (Doc. 25) fails to show any grounds for relief under Rule 60(b)  
13 and does not present any basis that warrants reconsideration of the Court’s Order (Doc.  
14 24) dismissing the Complaint. Accordingly,

15 **IT IS ORDERED** denying Plaintiffs’ “Motion for Reconsideration and Relief  
16 from Judgment or Order Pursuant to FRCP Rule 60 (B)(1) and Motion for Immediate  
17 Summary Judgment” (Doc. 25). The Court’s April 11, 2017 Order (Doc. 24) is affirmed.

18 Dated this 23rd day of June, 2017.

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22 Eileen S. Willett  
23 United States Magistrate Judge  
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