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

Adam Paul Blomdahl,  
Plaintiff,  
v.  
Unknown Jaffe, et al.,  
Defendants.

No. CV 19-00227-PHX-MTL

**ORDER**

15 Plaintiff Adam Paul Blomdahl, who is currently confined in Arizona State Prison  
16 Complex (ASPC)-Florence, Browning Unit in Florence, Arizona, brought this civil rights  
17 action pursuant to 42 U.S.C. § 1983.<sup>1</sup> Before the Court is Plaintiff’s Motion for  
18 Reconsideration. (Doc. 79.)

19 The Court will deny the Motion.

20 **I. Background**

21 Upon screening Plaintiff’s First Amended Complaint (Doc. 7) under 28 U.S.C.  
22 § 1915A(a), the Court determined that Plaintiff stated a Fourteenth Amendment  
23 conditions-of-confinement claim against Maricopa County Health Services Psychiatrist  
24 Dr. Jaffe in Count Two and a Fourteenth Amendment excessive force claim against  
25 Maricopa County Sheriff’s Office (MSCO) Sergeant Shamrock in Count Three. (Doc. 8.)

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28 <sup>1</sup> The events that gave rise to Plaintiff’s claims in this action took place while Plaintiff was confined at the Maricopa County Fourth Avenue Jail in Phoenix, Arizona. (See Doc. 7 at 1.)

1 The Court directed Defendants Jaffe and Shamrock to answer and dismissed the remaining  
2 claims and Defendants. (*Id.*)

3 In Count Two, Plaintiff alleges that in October 2016, while he was confined at the  
4 Maricopa County Fourth Avenue Jail, Defendant Jaffe had him moved out of the jail’s  
5 psychiatric unit and placed into a “flat cell” in which Plaintiff did not have a working toilet  
6 or shower and was deprived of clothing, reasonable shelter, sanitation, medical care, and  
7 safety. (Doc. 7 at 11–12.) In Count Three, Plaintiff alleges that when he refused to be  
8 moved from close custody back to general population in June 2017, he was beaten and  
9 pepper sprayed by several detention officers at Defendant Shamrock’s orders. (*Id.* at 19–  
10 20.)

11 On May 7, 2020, Defendants moved for summary judgment. (Doc. 57.) In an Order  
12 issued on November 5, 2020, the Court granted summary judgment to Defendants after  
13 determining that Plaintiff had failed to exhaust the available remedies for his claim against  
14 Defendant Shamrock and that Plaintiff’s claim against Defendant Jaffe was barred by the  
15 two-year statute of limitations. (Doc. 77.)

## 16 **II. Motion for Reconsideration**

17 The Court will construe Plaintiff’s Motion as a motion filed pursuant to either Rule  
18 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure. *See Fuller v. M.G. Jewelry*,  
19 950 F.2d 1437, 1441-42 (9th Cir. 1991) (motion to reconsider can be construed as Rule 60  
20 or Rule 59 motion even when movant brought it under local rules and cited no governing  
21 Federal Rule of Civil Procedure). It is within the Court’s discretion to grant or deny a  
22 motion for reconsideration filed under Rule 59(e) or Rule 60(b). *School Dist. No. 1J,*  
23 *Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993).

24 Reconsideration is appropriate under Rule 59(e) “if the district court (1) is presented  
25 with newly discovered evidence, (2) committed clear error or the initial decision was  
26 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Id.* at 1263.  
27 “Rule 60(b) ‘provides for reconsideration only upon a showing of (1) mistake, surprise, or  
28 excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a

1 satisfied or discharged judgment; or (6) ‘extraordinary circumstances’ which would justify  
2 relief.’” *Id.* (quoting *Fuller*, 950 F.2d at 1442). *See also Backlund v. Barnhart*, 778 F.2d  
3 1386, 1388 (9th Cir. 1985).

4 Motions for reconsideration should be granted only in rare circumstances.  
5 *Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). Such motions  
6 should not be used for the purpose of asking a court “‘to rethink what the court had already  
7 thought through – rightly or wrongly.’” *Id.* (quoting *Above the Belt, Inc. v. Mel Bohannan*  
8 *Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). Motions for reconsideration are not the  
9 place for parties to make new arguments not raised in their original briefs. *Northwest*  
10 *Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925– 26 (9th Cir. 1988). In  
11 other words, a motion for reconsideration “is not another opportunity for the losing party  
12 to make its strongest case, reassert arguments, or revamp previously unmeritorious  
13 arguments,” nor is a motion for reconsideration meant to give a party a “second bite at the  
14 apple.” *Jackson v. Woodford*, 05cv0513-L (NLS), 2008 WL 2115121, at \*1 (S.D. Cal.  
15 May 19, 2008).

16 Plaintiff devotes a significant portion of his Motion to arguing that he did not have  
17 an opportunity to view a June 2017 jail video showing him being assault by several  
18 detention officers, one of which may have been Defendant Shamrock. But in its November  
19 5, 2020 Order, the Court determined that Plaintiff failed to exhaust his claim against  
20 Defendant Shamrock. (*See Doc. 77 at 8.*) The contents of the jail video are immaterial to  
21 the issue of exhaustion. Plaintiff’s mere disagreement with the Court’s Order is insufficient  
22 to warrant reconsideration. Plaintiff does not present the Court with any newly-discovered  
23 evidence or show that the Court committed clear error in its summary judgment ruling.  
24 Nor does he point to any intervening change in controlling law. Instead, Plaintiff merely  
25 summarizes the allegations in his First Amended Complaint and reiterates arguments he  
26 made or could have made at the time of the summary judgment litigation. Accordingly,  
27 Plaintiff fails to show any reason why the Court should reconsider its prior Order, and the  
28 Court will deny his Motion for Reconsideration.

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**IT IS ORDERED** that Plaintiff's Motion for Reconsideration (Doc. 79) is **denied**.  
Dated this 19th day of November, 2020.

  
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Michael T. Liburdi  
United States District Judge