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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Christian Alberto Sanchez,	)	CV 16-0746-TUC-LAB
	)	
Petitioner,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Charles L. Ryan; et al.,	)	
	)	
Respondents.	)	
	)	

Pending before the court is the petitioner’s motion for reconsideration filed on July 21, 2017. (Doc. 35)

The petitioner, Christian Sanchez, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 28, 2016. (Doc. 1) On July 7, 2017, this court denied the petition. (Doc. 32) The court concluded that Sanchez’s trial counsel did not render ineffective assistance at the Rule 404 hearing or at trial. *Id.* His claim that the trial court’s admission of “other act” evidence violated due process was procedurally defaulted. *Id.* Sanchez now seeks reconsideration of that order. (Doc. 35)

Motions for reconsideration should be granted only in rare circumstances. *Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995). A motion for reconsideration is appropriate where the district court “(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *School Dist. No. 1J, Multnomah County v. AC and S, Inc.*, 5 F.3d 1255, 1263 (9<sup>th</sup> Cir. 1993). Such motions should not be used for the purpose of

1 asking a court “to rethink what the court had already thought through – rightly or wrongly.”  
2 *Defenders of Wildlife*, 909 F. Supp. at 1351. A motion for reconsideration “may not be used to  
3 raise arguments or present evidence for the first time when they could reasonably have been  
4 raised earlier in the litigation.” *Kona Enters, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9<sup>th</sup> Cir.  
5 2000). Nor may a motion for reconsideration repeat any argument previously made in support  
6 of or in opposition to a motion. *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215  
7 F.R.D. 581, 586 (D. Ariz. 2003). Mere disagreement with a previous order is an insufficient  
8 basis for reconsideration. *See Leong v. Hilton Hotels Corp.*, 689 F. Supp. 1572, 1573 (D. Haw.  
9 1988).

10 In the pending motion, Sanchez argues that this court wrongly denied his petition. (Doc.  
11 35) He advances a new argument that trial counsel, the prosecutor, and the trial court conspired  
12 to present false evidence at trial. *Id.* He presents no evidence in support of his argument  
13 however. *Id.* Sanchez further argues this court should have allowed him to conduct discovery,  
14 which would have enabled him to prove his innocence. *Id.*

15 The arguments raised by Sanchez do not justify reconsideration. He does not present  
16 newly discovered evidence. *School Dist. No. 1J, Multnomah County v. AC and S, Inc.*, 5 F.3d  
17 1255, 1263 (9<sup>th</sup> Cir. 1993). He has not shown that the court “committed clear error or the initial  
18 decision was manifestly unjust.” *Id.* Neither does he argue that “there is an intervening change  
19 in controlling law.” *Id.* His arguments concerning discovery fail to appreciate this court’s  
20 standard of review under the AEDPA. 28 U.S.C. § 2254. Accordingly,  
21

22 IT IS ORDERED that the petitioner’s motion for reconsideration filed on July 21, 2017,  
23 is DENIED. (Doc. 35)

24 DATED this 11<sup>th</sup> day of August, 2017.

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27 Leslie A. Bowman  
28 United States Magistrate Judge