



1 duplicative and ordered Plaintiff to complete service documents for the Defendants against  
2 whom Plaintiff stated a First Amendment claim. (ECF No. 41.)

3 Before the Court is Plaintiff's Motion to Reconsider asking the Court to reconsider  
4 its order screening Plaintiff's Second Amended Complaint. (ECF No. 17.) Plaintiff points  
5 out that his Second Amended Complaint was not duplicative of the First Amended  
6 Complaint in that he did not include his RLUIPA claim (which the Court dismissed for  
7 failure to state a claim). Plaintiff does not dispute the Court's finding that the allegations  
8 that make up Plaintiff's First Amendment claim are identical in both the First and Second  
9 Amended Complaints.

10 "A motion for reconsideration should not be granted, absent highly unusual  
11 circumstances, unless the . . . court is presented with newly discovered evidence,  
12 committed clear error, or if there is an intervening change in the controlling law," Marlyn  
13 Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)  
14 (internal quotations marks and citations omitted), and "[a] party seeking reconsideration  
15 must show more than a disagreement with the Court's decision, and recapitulation . . ." of  
16 that which was already considered by the Court in rendering its decision. U.S. v.  
17 Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001).

18 The basis for Plaintiff's Motion for Reconsideration is his disagreement with the  
19 Court's Screening Order. Plaintiff argues that he stated a claim for retaliation and  
20 discrimination. The Court finds that Plaintiff has not shown clear error or other meritorious  
21 grounds for relief, and has therefore not met his burden as the party moving for  
22 reconsideration. Marlyn Nutraceuticals, Inc., 571 F.3d at 880. Plaintiff's disagreement with  
23 the Court's ruling is not sufficient grounds for relief from the order. Westlands Water Dist.,  
24 134 F.Supp.2d at 1131.

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1           Accordingly, Plaintiff's Motion for Reconsideration is DENIED with prejudice.  
2 Plaintiff is to complete and return the service materials by the date previously ordered or  
3 risk dismissal of this case for failure to prosecute.  
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7           IT IS SO ORDERED.

8 Dated: March 12, 2011

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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