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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Dana McMaster,	)	No. CV 1-04-6453-FRZ
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Doctor Thomas, et al.,	)	
	)	
Defendants.	)	

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Pending before the Court is Plaintiff’s “motion to alter or amend judgment” which this Court construes as a motion for reconsideration of the Court’s Order granting summary judgment. The motion is denied.

**I. Discussion**

A motion to reconsider must provide a valid ground for reconsideration by showing two things. First, it must demonstrate some valid reason why the Court should reconsider its prior decision. Second, it must set forth facts or law of a strongly convincing nature to induce the Court to reverse its prior decision.

Courts have advanced three major grounds justifying reconsideration: (1) an intervening change in the controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice.

*Bahrs v. Hughes Aircraft Co.*, 795 F. Supp. 965, 967 (D. Ariz. 1992); *see also Defenders of Wildlife v. Browner*, 909 F. Supp. 1342, 1351 (D. Ariz. 1995)(a motion for reconsideration should not be used to ask a court to "rethink what the court had already thought through- rightly or wrongly."); *Refrigeration Sales Co. v. Mitchell-Jackson, Inc.*, 605 F.Supp. 6, 7

1 (N.D.Ill. 1983)(arguments that a court was in error on the issues it considered should be  
2 directed to the court of appeals).

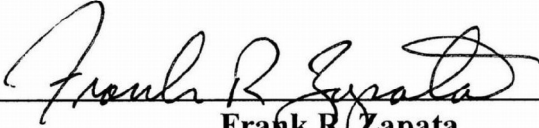
3 Having reviewed the motion to reconsider and the record in this case, the Court finds  
4 no basis to depart from its original decision.

5 Accordingly, IT IS HEREBY ORDERED as follows:

6 (1) Plaintiff's "motion to alter or amend judgment" is denied.

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DATED this 7<sup>th</sup> day of May, 2012.

  
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**Frank R. Zapata**  
**Senior United States District Judge**