

1 proper motion for reconsideration should be brought under Rule 59(e) (motion to alter or amend
2 judgment) or Rule 60(b) (motion for relief from judgment) of the Federal Rules of Civil Procedure.
3 See Am. Ironworks & Erectors v. N. Am. Cosntr. Corp., 248 F.3d 892, 898-899 (9th Cir. 2001).

4 A motion for reconsideration is not the place to ask the Court to reconsider an argument
5 already rejected by the Court. United States v. Rezzonico, 32 F.Supp.2d 1112, 1116 (D. Ariz. 1998).
6 ““A party seeking reconsideration must show more than a disagreement with the Court’s decision,
7 and recapitulation of the cases and arguments considered by the court before rendering its original
8 decision fails to carry the moving party’s burden.”” U.S. v. Westlands Water Dist., 134 F.Supp.2d
9 1111, 1131 (E.D. Cal. 2001) (citations omitted).

10 Petitioner’s motion for reconsideration must be denied. After reviewing Petitioner’s
11 objections, the Court notes that Petitioner’s untimely objections raised the same arguments and
12 evidence as those presented in the petition for writ of habeas corpus. Thus, Petitioner has not alleged
13 new or different grounds which would alter the judgment entered on January 13, 2009 and therefore
14 Petitioner has failed to present a basis for reconsideration. Accordingly, Petitioner’s motion for
15 reconsideration is DENIED.

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17 IT IS SO ORDERED.

18 **Dated:** February 13, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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