

1 requires Plaintiff to show “what new or different facts or circumstances are claimed to exist
2 which did not exist or were not shown upon such prior motion, or what other grounds exist for the
3 motion.” “A motion for reconsideration should not be granted, absent highly unusual
4 circumstances, unless the district court is presented with newly discovered evidence, committed
5 clear error, or if there is an intervening change in the controlling law,” and it “may *not* be used to
6 raise arguments or present evidence for the first time when they could reasonably have been
7 raised earlier in the litigation.” Marilyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571
8 F.3d 873, 880 (9th Cir. 2009) (emphasis in original).

9 In Plaintiff’s motion to reconsider, he simply restates his prior arguments and does not
10 present newly discovered evidence, clear error, or an intervening change in the law. This simply
11 does not meet the standard for a motion for reconsideration. Therefore, the motion will be
12 denied.

13 Moreover, on May 14, 2013, the Ninth Circuit issued an order addressing Plaintiff’s
14 motion for mandamus order filed on April 16, 2012. (ECF No. 177.) In that mandamus motion,
15 Plaintiff requested that the Ninth Circuit order the district court to rule on its motion for
16 reconsideration notwithstanding verdict dated June 21, 2012. The Ninth Circuit denied Plaintiff’s
17 mandamus motion as moot as the district had ruled on the Plaintiff’s motion filed June 21, 2012
18 on August 9, 2012. In light of the Ninth Circuit’s decision, this is an additional basis to deny his
19 motion for reconsideration. Accordingly,

20 IT IS HEREBY ORDERED that Plaintiff’s August 24, 2012 motion for reconsideration is
21 DENIED.

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23 IT IS SO ORDERED.

24 Dated: May 17, 2013

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27 UNITED STATES MAGISTRATE JUDGE
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