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

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Alvin R. Ross,

) No. CV-1-08-0306-MHM

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Plaintiff,

) **ORDER**

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v.

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William McGuinness, M.D., et al.,

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Defendants.

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Pending before the Court is Plaintiff Alvin R. Ross' Motion in Opposition of the Court's Order in Part as a Matter of Record, and Request Reconsideration and Enlargement of Time. (Doc. # 55) After reviewing Plaintiff's motion, the Court rules as follows.

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On May 18, 2010, Petitioner filed the instant motion, which the Court will construe as a motion for reconsideration pursuant to Rule 60(b) of the Federal Rule of Civil Procedure ("FRCP"). FRCP 60(b) "provides for reconsideration only upon a showing of (1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) extraordinary circumstances which would justify relief." Fuller v. M.G. Jewelry, 950 F. 2d 1437, 1442 (9th Cir. 1985); see Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc., 5 F. 3d 1255, 1262 (9th Cir. 1993) ("Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial

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1 decision was manifestly unjust, or (3) if there is an intervening change in controlling
2 law.”). A motion for reconsideration may not be used to re-litigate old matters or to raise
3 arguments or present evidence that could have been raised prior to entry of judgment.
4 See, e.g., Collins v. D.R. Horton, Inc., 252 F. Supp. 2d 936, 938 (D. Ariz. 2003) (citing
5 Northwest Acceptance Corp. v. Lynnwood Equip., Inc., 841 F. 2d 918, 925-26 (9th
6 Cir.1988)); 1 Wright, Miller, & Kane, Federal Practice and Procedure: Civil 2d § 2810.1
7 at 127-28. As such, courts only grant motions for reconsideration in rare circumstances.
8 See Sullivan v. Faras-RLS Group, Ltd., 795 F. Supp. 305, 308-09 (D. Ariz. 1992).

9 In his motion, Plaintiff requests reconsideration of part of the Court’s April 30,
10 2010 Order (Doc. # 54) denying his Motion Declaring Admissions Admitted and Motion
11 Requesting Appointment of Counsel. Plaintiff does not present the Court with newly
12 discovered evidence nor does he allege that controlling law has changed or that the Court
13 committed clear error in its decision. Rather, Plaintiff’s arguments merely reiterate the
14 arguments set forth in his motions regarding admissions and appointment of counsel.
15 (Doc. ## 29, 44) A motion for reconsideration cannot be used to ask the Court to rethink
16 what the Court has already thought through merely because a party disagrees with the
17 Court’s decision. Id. (citing United States v. Rezzonico, 32 F. Supp. 2d 1112, 1116 (D.
18 Ariz. 1998).

19 The instant action does not meet any of the narrow instances in which
20 reconsideration is appropriate. The moving party must show more than a mere
21 disagreement with the Court’s decision; the Court should not grant a motion for
22 reconsideration unless there is need to correct a clear error or prevent manifest injustice.
23 See, e.g., Database Am., Inc., 825 F. Supp. at 1220; Refrigeration Sales Co., Inc. v.
24 Mitchell-Jackson, 605 F. Supp. 6, 7 (N.D. Ill. 1983). As such, the Court finds that
25 Plaintiff has failed to set forth sufficient grounds to cause the Court to reconsider its April
26 30, 2010 Order.

27 Plaintiff also requests an enlargement of time in which to respond to Defendants’
28 Motion for Summary Judgment. The Court will grant Plaintiff’s request in this regard.

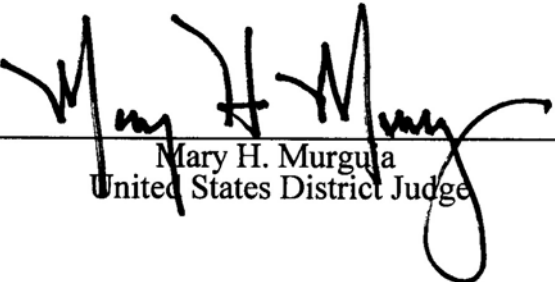
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Accordingly,

IT IS ORDERED denying Plaintiff's Motion in Opposition of the Court's Order in Part as a Matter of Record. (Doc. # 55)

IT IS FURTHER ORDERED granting Plaintiff until July 2, 2010, to file a response to Defendants' Motion for Summary Judgment.

DATED this 1st day of June, 2010.



Mary H. Murgula
United States District Judge