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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOSHUA A. WILLARD,	)	Case No.: 1:14-cv-01951-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION
v.	)	FOR RECONSIDERATION OF DENIAL OF
	)	REQUEST FOR TEMPORARY RESTRAINING
J. NEIBERT, et al.,	)	ORDER
	)	
Defendants.	)	[ECF No. 15]
	)	
	)	

Plaintiff Joshua A. Willard is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff’s request for reconsideration of the Court’s March 11, 2015, order denying his request for a temporary restraining order, filed March 26, 2015.

“A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (internal quotation marks and citations omitted). “A party seeking reconsideration must show more than a disagreement with the Court’s decision, and recapitulation ...” of that which was already considered by the Court in rendering its decision. United States v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2011). To succeed, a party must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior

1 decision. See Kern-Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 656, 665 (E.D. Cal. 1986),  
2 aff'd in part and rev'd in part on other grounds, 828 F.2d 514 (9th Cir. 1987). Additionally, pursuant  
3 to this Court's Local Rules, when filing a motion for reconsideration, a party must show what "new or  
4 different facts or circumstances claimed to exist which did not exist or were not shown upon such  
5 prior motion, or what other grounds exist for the motion." Local Rule 230(j).

6 In his present motion, Plaintiff contends the alleged threats by Defendants violate his  
7 constitutional rights and Defendants have threatened to him again. The Court considered and  
8 previously rejected Plaintiff's argument, and reconsideration is not a vehicle by which to obtain a  
9 second bite at the apple; it is reserved for extraordinary circumstances. United States v. Westlands  
10 Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001); see also In re Pacific Far East Lines, Inc.,  
11 889 F.2d 242, 250 (9th Cir. 1989) (Fed. R. Civ. P. 60(b)(6) may provide relief where parties were  
12 confronted with extraordinary circumstances but it does not provide a second change for parties who  
13 made deliberate choices). Plaintiff's disagreement with the Court's decision is not grounds for  
14 reconsideration.

15 Accordingly, Plaintiff's motion for reconsideration must be DENIED.

16  
17 IT IS SO ORDERED.

18 Dated: April 21, 2015

  
19 SENIOR DISTRICT JUDGE