

1 Cir. 2008) (internal quotation marks omitted). The moving party “must demonstrate both injury and
2 circumstances beyond his control” Id. (internal quotation marks and citation omitted). In
3 seeking reconsideration of an order, Local Rule 230(j) requires Plaintiff to show “what new or
4 different facts or circumstances are claimed to exist or were not shown upon such prior motion, or
5 what other grounds exist for the motion.”

6 “A motion for reconsideration should not be granted, absent highly unusual circumstances,
7 unless the district court is presented with newly discovered evidence, committed clear error, or if there
8 is an intervening change in controlling law.” Marlyn Nutraceuticals, Inc., v. Mucos Pharma GmbH &
9 Co., 571 F.3d 873, 880 (9th Cir. 2009)(internal quotation marks and citations omitted), and “[a] party
10 seeking reconsideration must show more than a disagreement with the court’s decision, and
11 recapitulation . . . of that which was already considered by the court in rendering its decision,” U.S.
12 v. Westlands Water Dist., 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001). To succeed, a party must set
13 forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision. See
14 Kern-Tulare Water Dist. v. City of Bakersfield, 634 F.Supp. 646, 665 (E.D. Cal. 1986), affirmed in
15 part and reversed in part on other grounds, 828 F.2d 514 (9th Cir. 1987).

16 In his motion for reconsideration, Plaintiff merely asserts the same arguments as presented in
17 his second amended complaint. On May 26, 2016, the Court found, in a reasoned decision, that
18 Plaintiff’s allegations in the second amended complaint failed to give rise to a cognizable due process
19 based on the search of his cell or denial of his inmate grievances, and Plaintiff’s excessive force claim
20 was barred by the statute of limitations. (ECF No. 33.) Plaintiff’s disagreement with the Court’s
21 ruling is insufficient to warrant reconsideration. See Collins v. D.R. Horton, Inc., 252 F.Supp.2d 936,
22 938 (D. Az. 2003) (a motion for reconsideration cannot be used to ask the Court to rethink what the
23 Court has already thought through merely because a party disagrees with the Court’s decision); see
24 also Leong v. Hilton Hotels Corp., 689 F.Supp. 1572, 1573 (D. Haw. 1988) (mere disagreement with a
25 previous order is an insufficient basis for reconsideration). Accordingly, Plaintiff’s motion for
26 reconsideration shall be denied.

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II.
ORDER

Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion for reconsideration, filed July 18, 2016, is DENIED.

IT IS SO ORDERED.

Dated: August 10, 2016


UNITED STATES MAGISTRATE JUDGE