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

PAUL ERIC HEBBE,

Plaintiff,

2:00-cv-0306-GEB-PAN (JFM)-P

vs.

CHERYL PLILER, et al.,

Defendants.

ORDER

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Plaintiff and defendants have filed requests for reconsideration of this court's order filed March 30, 2006, adopting the March 8, 2006 amended findings and recommendations.

Standards For Motions To Reconsider

Although motions to reconsider are directed to the sound discretion of the court, Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981), considerations of judicial economy weigh heavily in the process. Thus Local Rule 78-230(k) requires that a party seeking reconsideration of a district court's order must brief the "new or different facts or circumstances [which] were not shown upon such prior motion, or what other grounds exist for the motion." The rule derives from the "law of the case" doctrine which provides that the decisions on legal issues made in a case "should be followed unless there is substantially different evidence . . . new controlling authority, or the prior decision was clearly

1 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d  
2 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.  
3 denied, 475 U.S. 1064 (1986).

4 Courts construing Federal Rule of Civil Procedure 59(e), providing for the  
5 alteration or amendment of a judgment, have noted that a motion to reconsider is not a vehicle  
6 permitting the unsuccessful party to “rehash” arguments previously presented, or to present  
7 “contentions which might have been raised prior to the challenged judgment.” Costello v. United  
8 States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d 1260, 1268  
9 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280 (E.D. Pa. 1991).  
10 These holdings “reflect[] district courts' concerns for preserving dwindling resources and  
11 promoting judicial efficiency.” Costello, 765 F.Supp. at 1009.

12 In the instant action, the March 30, 2006 order failed to reflect defendants had  
13 filed objections to the findings and recommendations on March 8, 2006.

14 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, this court's  
15 order of March 30, 2006 is vacated. The court shall address the objections by separate order.

16 Dated: May 1, 2006

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18 /s/ Garland E. Burrell, Jr.  
19 GARLAND E. BURRELL, JR.  
20 United States District Judge  
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