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

CHRISTOPHER JACKSON,

Plaintiff,

No. CIV S-06-2023 WBS GGH P

vs.

J. WALKER, et al.,

Defendants.

ORDER

_____ /

Although captioned as a “request for reconsideration by district court of magistrate judge’s ruling,” plaintiff acknowledges that the findings and recommendations he seeks to challenge have already been adopted by this court. Therefore, plaintiff’s filing of October 8, 2009 (Docket # 147) is properly construed as a request for reconsideration of this court’s order filed August 19, 2009 (Docket # 143), granting in part and denying in part defendants’ motion for summary judgment.

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 ... not shown upon such prior motion, or what other grounds exist

1 for the motion.” The rule derives from the “law of the case” doctrine which provides that the
2 decisions on legal issues made in a case “should be followed unless there is substantially
3 different evidence . . . new controlling authority, or the prior decision was clearly
4 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d
5 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
6 denied, 475 U.S. 1064 (1986).

7 Courts construing Federal Rule of Civil Procedure 59(e), providing for the
8 alteration or amendment of a judgment, have noted that a motion to reconsider is not a vehicle
9 permitting the unsuccessful party to “rehash” arguments previously presented, or to present
10 “contentions which might have been raised prior to the challenged judgment.” Costello v.
11 United States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d
12 1260, 1268 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280
13 (E.D. Pa. 1991). These holdings “reflect[] district courts’ concerns for preserving dwindling
14 resources and promoting judicial efficiency.” Costello, 765 F.Supp. at 1009.

15 In the instant action, this court has already considered the arguments plaintiff
16 presents here as they were essentially contained within his objections to the findings and
17 recommendations prior to the court’s adoption of same. Plaintiff continues to protest that he
18 submitted defendants’ discovery responses referenced in his opposition, even though the
19 magistrate judge noted such supporting discovery documents were either not filed, could not be
20 located or were insufficiently identified within plaintiff’s opposition. In reply to plaintiff’s
21 previously presented objections, defendants made the cogent points that plaintiff made no
22 showing that the magistrate judge granted the motion as to ten¹ of the twelve defendants because
23 of missing discovery responses and also averred that they had not been served with any of the
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25 ¹ Summary judgment was granted as to nine defendants, with a tenth defendant granted
26 summary judgment in an individual capacity, but denied it in his official capacity, and, as to two
other defendants, summary judgment was denied altogether.

1 discovery documents as part of the opposition that were also not contained in the court record of
2 plaintiff's opposition and supporting documents. Plaintiff, by the instant motion seeking to re-
3 visit the issue, does not adequately refute and address defendants' contentions and essentially
4 adds nothing new.

5 Therefore, IT IS HEREBY ORDERED that, upon reconsideration in response to
6 plaintiff's motion, filed on October 8, 2009 (Docket # 147), this court's order of August 19, 2009
7 (Docket # 143) is affirmed.

8 DATED: October 25, 2009

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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