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

KIRK DOUGLAS WILLIAMS,

Plaintiff,

No. CIV S-08-0878 LKK GGH P

vs.

T. FELKER, et al.,

Defendants.

ORDER

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Attached to plaintiff’s December 23, 2009, objections to the findings and recommendations is a request for reconsideration of the September 30, 2009, order adopting the April 2, 2009, findings and recommendations in part and granting plaintiff thirty days to file an amended complaint as to his First Amendment claim. The magistrate judge found the motion for reconsideration to be timely filed.

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


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

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

14 The court has reviewed plaintiff’s motion for reconsideration and finds it to be  
15 without merit.

16 Therefore, IT IS HEREBY ORDERED that, upon reconsideration, this court's  
17 order of September 30, 2009, is affirmed; plaintiff shall file an amended complaint within  
18 twenty-eight days of the date of this order.

19 DATED: March 3, 2010.

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23 LAWRENCE K. KARLTON  
24 SENIOR JUDGE  
25 UNITED STATES DISTRICT COURT  
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