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

JOHN WESLEY WILLIAMS,

Plaintiff,

No. CIV S-09-0784 GGH P

vs.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff’s consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).<sup>1</sup> On June 22, 2009, the court ordered plaintiff’s complaint dismissed with leave to file an amended complaint. Plaintiff has now filed a motion for reconsideration of the court’s June 22, 2009, Order and seeks to have the complaint served on defendants.

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),

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<sup>1</sup>Therefore, the request for reconsideration will not be considered as one which must proceed before a district judge.

1 considerations of judicial economy weigh heavily in the process. Thus Local Rule 78-230(k)  
2 requires that a party seeking reconsideration of a district court's order must brief the “new or  
3 different facts or circumstances [which] were not shown upon such prior motion, or what other  
4 grounds exist for the motion.” The rule derives from the “law of the case” doctrine which  
5 provides that the decisions on legal issues made in a case “should be followed unless there is  
6 substantially different evidence . . . new controlling authority, or the prior decision was clearly  
7 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d  
8 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.  
9 denied, 475 U.S. 1064 (1986).

10 Courts construing Federal Rule of Civil Procedure 59(e), providing for the  
11 alteration or amendment of a judgment, have noted that a motion to reconsider is not a vehicle  
12 permitting the unsuccessful party to “rehash” arguments previously presented, or to present  
13 “contentions which might have been raised prior to the challenged judgment.” Costello v. United  
14 States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d 1260, 1268  
15 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280 (E.D. Pa. 1991).  
16 These holdings “reflect[] district courts' concerns for preserving dwindling resources and  
17 promoting judicial efficiency.” Costello, 765 F.Supp. at 1009.

18 In the instant action, plaintiff has not set forth new facts and cited no new  
19 controlling authority. Plaintiff’s motion is denied, however plaintiff may still filed an amended  
20 complaint pursuant to the court’s June 22, 2009, Order.

21 Therefore, IT IS HEREBY ORDERED that:

22 1. Upon reconsideration, this court's order of June 22, 2009, is affirmed.

23 DATED: August 7, 2009

24 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWES  
26 UNITED STATES MAGISTRATE JUDGE

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