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

DENNIS G. CLAIBORNE,

Plaintiff,

No. CIV S-10-2427 LKK EFB P

vs.

BLAUSER, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On September 29, 2011, the undersigned denied plaintiff’s requests for a temporary restraining order and preliminary injunction. Plaintiff moves for reconsideration of that order.

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 230(j) 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

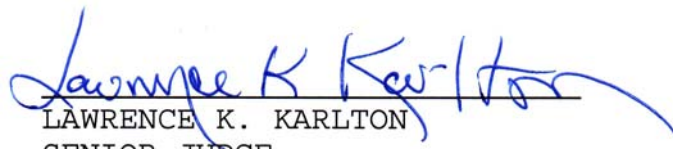
1 erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d
2 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert.
3 denied, 475 U.S. 1064 (1986).

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.
8 United States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d
9 1260, 1268 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280
10 (E.D. Pa. 1991). These holdings “reflect[] district courts’ concerns for preserving dwindling
11 resources and promoting judicial efficiency.” Costello, 765 F.Supp. at 1009.

12 Plaintiff has failed to demonstrate any new or different facts or circumstances
13 which would entitle him to the requested injunctive relief, and thus, his motion is denied.

14 Therefore, IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration
15 is DENIED.

16 DATED: December 12, 2011.

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20 LAWRENCE K. KARLTON
21 SENIOR JUDGE
22 UNITED STATES DISTRICT COURT
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