IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

        Plaintiff,   No. 2:10-cv-02591 MCE KJN PS

    v.

JAMES O. MOLEN (also known as
James-Orbin: Molen), et al.,

        Defendants.   ORDER

_____/

        Defendants James O. Molen (a.k.a. James-Orbin: Molen) and Sandra L. Molen

(a.k.a. Sandra-Lyn: Molen) (collectively, the "Molens" or "defendants") are proceeding without

counsel.[1] In an order dated April 20, 2011 (the "Order"), the undersigned denied the Molens'

"Motion For Judicial Notice Under 44 U.S.C. § 1507 – Federal Register Act and Administrative

Procedure Act at 5 U.S.C. § 553(b)(c) & (d), and Motion to Render Judgment on Implied

Contract Under 28 U.S.C. § 1367(a)" (Dkt. No. 35), after construing that filing as a motion for

judgment on the pleadings. (Order, Dkt. No. 60).

        On May 2, 2011, the Molens filed a document entitled "Opposition to Court

Order Denying Motion For Judicial Notice Under 44 U.S.C. § 1507 – Federal Register Act and

Administrative Procedure Act at 5 U.S.C. § 553(b)(c) & (d), and Motion to Render Judgment on

_____

    [1] This action was referred to the undersigned pursuant to Eastern District Local Rule
302(c)(21). (See Dkt. No. 11.)

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1   Implied Contract Under 28 U.S.C. § 1367(a)" (the "Opposition"). (Dkt. No. 61.) In the

2   Opposition, the Molens cite to the exact same authorities they cited in their motion. (Compare

3   Dkt. No. 35 at 2 with Dkt. No. 61 at 3.) The Molens argue that the court "should review its

4   denial of the FRCP 12(b)(6) motion and make a decision based on the merits of the motion and

5   not upon the basis of some arbitrary rules that apply to BAR attorneys." (Id. at 2.) The Molens

6   also argue that "Requests for Judicial Notice should never be a technical reason to dismiss a

7   motion or deny due process, as the Defendants believe has occurred." (Id. at 3.)

8   The undersigned construes the Molens' Opposition as a motion for

9   reconsideration of the court's Order dated April 20, 2011. Pursuant to Eastern District Local

10   Rule 230(j), a motion for reconsideration must state "what new or different facts or

11   circumstances are claimed to exist which did not exist or were not shown upon such prior

12   motion, or what other grounds exist for the motion" and "why the facts or circumstances were

13   not shown at the time of the prior motion." E.D. Local Rule 230(j)(3)-(4). The Opposition does

14   not describe new or different facts or circumstances that would warrant reconsideration of the

15   court's Order. Further, the Molens' argument that their motion (Dkt. No. 35) was denied for

16   "technical reasons" is without basis. While the court's Order noted the motion's technical and

17   procedural shortcomings, the Order addressed the motion on its substantive merits and denied the

18   motion thereon. (Order at 3-5 (construing the improperly-filed motion as a motion for judgment

19   on the pleadings) and 5-10 (analyzing the merits of the arguments made therein).)

20   Accordingly, it is HEREBY ORDERED that:

21   1.   Accordingly, to the extent the Molens intended the Opposition (Dkt. No.

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61) to serve as a motion for reconsideration of the court's Order, the motion for reconsideration

is denied.

IT IS SO ORDERED.

DATED: May 6, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE