

1 relief was barred pursuant to the Antiterrorism and Effective Death Penalty Act's (AEDPA) one-
2 year statute of limitations for habeas relief. (See Order, ECF No. 24.) Consequently, this case
3 was closed. (See Judgment, ECF No. 25.) On March 25, 2014, Petitioner filed his First Motion
4 for Reconsideration. (See Mot. Recon, ECF No. 26.) On April 4, 2014, this Court denied
5 Plaintiff's motion. (See Order, ECF No. 27.) Plaintiff subsequently filed another motion to
6 reconsider (ECF No. 28) which is now before this Court.

7 A court should be loathe to revisit its own decisions unless extraordinary circumstances
8 show that its prior decision was clearly erroneous or would work a manifest injustice.
9 *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 817 (1988). "A court is generally
10 precluded from reconsidering an issue that has already been decided by the same court, or a
11 higher court in the identical case." *Thomas v. Bible*, 983 F.2d 152, 154 (9th Cir. 1993)).
12 However, Rule 59(e) permits a district court to reconsider and amend a previous order.
13 "Although Rule 59(e) permits a district court to reconsider and amend a previous order, the rule
14 offers an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation
15 of judicial resources.'" *Kona Enter., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)
16 (quoting 12 James William Moore, et al., *Moore's Federal Practice* § 59.30(4) (3d ed. 2000)).
17 Therefore, a district court should not grant a motion for reconsideration "unless the district court
18 is presented with newly discovered evidence, committed clear error, or if there is an intervening
19 change in the controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.
20 1999) (citing *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)).
21 Disagreement with a district court's ruling on a motion for summary judgment will not support a
22 motion to alter or amend the judgment. See *United States ex rel. Becker v. Westinghouse*
23 *Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002); Rutter Group Prac. Guide Fed. Civ.
24 Trials & Ev. Ch. 20-C.

25 "There are four grounds upon which a Rule 59(e) motion may be granted: 1) the motion is
26 necessary to correct manifest errors of law or fact upon which the judgment is based; 2) the
27 moving party presents newly discovered or previously unavailable evidence; 3) the motion is
28 necessary to prevent manifest injustice; or 4) there is an "intervening change in controlling law."

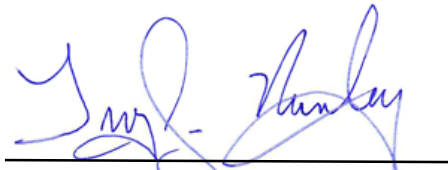
1 *Turner v. Burlington N. Santa Fe R.R.*, 338 F.3d 1058, 1063 (9th Cir. 2003) (internal quotations
2 omitted). Moreover, Local Rule 230(j) requires a party filing a motion for reconsideration to
3 show that “new or different facts or circumstances claimed to exist which did not exist or were
4 not shown upon such prior motion, or what other grounds exist for the motion.” Motions for
5 relief from judgment pursuant to Rule 59(e) are addressed to the sound discretion of the district
6 court. *Exp. Grp. v. Reef Indus., Inc.*, 54 F.3d 1466, 1469 (9th Cir. 1995).

7 In the case at issue, Plaintiff’s motion fails to meet any of the elements set forth above,
8 instead re-visiting the same fruitless grounds that have been previously and properly considered
9 and adjudicated. Plaintiff cites no newly discovered evidence or intervening change in
10 controlling law and makes no showing that the court has “committed clear error or the initial
11 decision was manifestly unjust.” *See Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007). As
12 such, Plaintiff’s Second Motion to Reconsider (ECF No. 28.) is hereby DENIED.

13 IT IS SO ORDERED.

14 Dated: May 9, 2014

15
16
17
18
19
20
21
22
23
24
25
26
27
28



Troy L. Nunley
United States District Judge