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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DARREL ESPINOSA, No. 2:14-cv-2881-KJM-GGH PS
12 Plaintiffs,
13 v. ORDER

14 STATE OF CALIFORNIA;
15 DEPARTMENT OF MOTOR VEHICLES
16 OF THE STATE OF CALIFORNIA;
FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA; and PARTIES
UNKNOWN.

No. 2:14-cv-2881-KJM-GGH PS

ORDER

20 On December 29, 2014, plaintiff Darrel Espinosa, pro se, filed a motion for
21 reconsideration of this court’s December 11, 2014 order, denying plaintiff’s motion for temporary
22 restraining order. (ECF No. 5.) Plaintiff argues that in denying plaintiff’s motion, this court
23 “misunderstood the grounds for [his] claim of irreparable harm.” (*Id.* at 1.) After careful
24 consideration, as explained below, the court DENIES plaintiff’s motion for reconsideration.

25 District courts have wide discretion to consider and vacate a prior order. *See*
26 *Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation*, 331 F.3d 1041,
27 1046 (9th Cir. 2003). “[A] motion for reconsideration should not be granted, absent highly
28 unusual circumstances, unless the district court is presented with newly discovered evidence,

1 committed clear error, or if there is an intervening change in the controlling law.” *Marlyn*
2 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (internal
3 quotation marks omitted & alteration in original). “A party seeking reconsideration must show
4 more than a disagreement with the [c]ourt’s decision, and recapitulation . . . of that which was
5 already considered by the [c]ourt in rendering its decision.” *Le v. Sandor*, No. 14-01464, 2014
6 WL 5305894, at *1 (E.D. Cal. Oct. 15, 2014) (internal quotation marks omitted). A party filing a
7 motion for reconsideration should not ask the court “to rethink what the Court has already thought
8 through” simply because of a disagreement with the result of that thought process. *Above the*
9 *Belt, Inc. v. Mel Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983). In addition, in this
10 district, a motion for reconsideration is governed by Local Rule 230(j), which requires a party to
11 set forth, among other things, “new or different facts or circumstances claimed to exist which did
12 not exist or were not shown upon such prior motion, or what other grounds exist for the motion.”
13 Local Rule 230(j)(3).

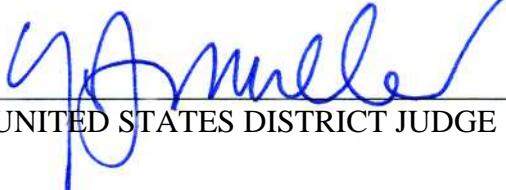
14 Here, because plaintiff does not present this court with new evidence, does not
15 show this court committed clear error, and does not indicate a change in controlling law, plaintiff
16 has not met any of the grounds for a motion for reconsideration. Specifically, in its December 11,
17 2014 order, as to plaintiff’s challenge of vehicle registration fees imposed on him by the
18 California Department of Motor Vehicles, this court found plaintiff did not show any immediacy
19 for a temporary restraining order to issue. (ECF No. 4 at 3.) As to plaintiff’s allegations of
20 constitutional rights violations, the court found the allegations too vague to support the issuance
21 of a temporary restraining order. (*Id.* at 4.)

22 In his motion for reconsideration, plaintiff now claims he “does not seek to enjoin
23 . . . defendants from taking a lawful action to secure [the fees]” (ECF No. 5 at 4.) Rather,
24 plaintiff frames his request vaguely as seeking “to enjoin the ‘arbitrary’ exercise of ‘power’ by
25 . . . defendants.” (*Id.*) As before, that request is too vague to support the issuance of a temporary
26 restraining order. *See Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (noting injunctive relief
27 is an extraordinary remedy which may only be awarded upon a clear showing that a plaintiff is
28 entitled to such relief, and the clear showing requirement is especially strong when a plaintiff

1 seeks a temporary restraining order). Because a motion for reconsideration cannot be granted
2 merely because plaintiff disagrees with the court's prior order, *Dunsmore v. Paramo*, No. 14-
3 0508, 2014 WL 2197110, at *2 (S.D. Cal. May 27, 2014), the court DENIES plaintiff's motion
4 for reconsideration.

5 IT IS SO ORDERED.

6 DATED: December 30, 2014.

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UNITED STATES DISTRICT JUDGE