

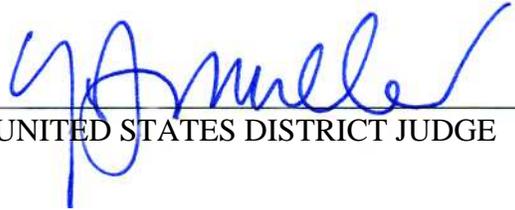


1 decisions on legal issues made in a case “should be followed unless there is substantially different  
2 evidence . . . new controlling authority, or the prior decision was clearly erroneous and would  
3 result in injustice.” *Handi Investment Co. v. Mobil Oil Corp.*, 653 F.2d 391, 392 (9th Cir. 1981);  
4 *see also Waggoner v. Dallaire*, 767 F.2d 589, 593 (9th Cir. 1985).

5 Courts construing Federal Rule of Civil Procedure 59(e), providing for the alteration or  
6 amendment of a judgment, have noted that a motion to reconsider is not a vehicle permitting the  
7 unsuccessful party to “rehash” arguments previously presented, or to present “contentions which  
8 might have been raised prior to the challenged judgment.” *Costello v. United States*, 765 F. Supp.  
9 1003, 1009 (C.D. Cal. 1991); *see also F.D.I.C. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986);  
10 *Keyes v. National R.R. Passenger Corp.*, 766 F. Supp. 277, 280 (E.D. Pa. 1991). These holdings  
11 “reflect[] district courts’ concerns for preserving dwindling resources and promoting judicial  
12 efficiency.” *Costello*, 765 F. Supp. at 1009. “A motion for reconsideration should not be  
13 granted, absent highly unusual circumstances, unless the . . . court is presented with newly  
14 discovered evidence, committed clear error, or if there is an intervening change in the controlling  
15 law.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir.  
16 2009).

17 Petitioner’s motion does not demonstrate that he is entitled to relief from the order  
18 declining to issue a COA. In seeking reconsideration, petitioner offers no different evidence, nor  
19 does he establish error in the challenged decision. Accordingly, IT IS HEREBY ORDERED that  
20 petitioner’s motion for reconsideration (ECF No. 22) is denied.

21 DATED: January 5, 2017.

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24 UNITED STATES DISTRICT JUDGE  
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