

1 **I. FACTUAL AND PROCEDURAL BACKGROUND**

2 On June 14, 2018, the magistrate judge filed findings and recommendations (“F & R”),
3 which recommended dismissing Plaintiff’s second and third causes of action based on Title I and
4 common law fraud. (ECF No. 20 at 3–4.) Because Plaintiff’s sole remaining claim under Title
5 VII could only be asserted against Defendant in his official capacity, the F & R recommended
6 dismissing all other Defendants. (ECF No. 20 at 3–4.) The F & R further recommended denying
7 Plaintiff’s motion for preliminary injunction. (ECF No. 20 at 5.)

8 On June 27, 2018, Plaintiff filed objections to the F & R (ECF No. 22), and on July 13,
9 2018, Defendants filed a response to those objections (ECF No. 23). On September 14, 2018, this
10 Court adopted the F & R in full. (ECF No. 28.) In that order, this Court made clear that it
11 reviewed de novo those portions of the F & R to which objections were made. (ECF No. 28 at 1.)

12 On September 24, 2018, Plaintiff brought the instant motion seeking reconsideration of
13 the Court’s September 14, 2018 order. (ECF No. 29.)

14 **II. STANDARDS OF LAW**

15 Before reconsideration may be granted, there must be a change in the controlling law,
16 facts, or other circumstances, the need to correct a clear error, or the need to prevent manifest
17 injustice. *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th
18 Cir. 2009). As with motions to alter or amend a judgment made pursuant to Federal Rule of Civil
19 Procedure 59(a), motions to reconsider are not vehicles permitting an unsuccessful party to
20 “rehash” arguments previously presented. *See United States v. Rezzonico*, 32 F. Supp. 2d 1112,
21 1116 (D. Az. 1998) (“A motion for reconsideration should not be used to ask the court to rethink
22 what the court has already thought through—rightly or wrongly”) (omitting internal citations and
23 quotation marks). Nor is a motion to reconsider justified on the basis of new evidence which
24 could have been discovered prior to the court’s ruling. Finally, “after thoughts” or “shifting of
25 ground” do not constitute an appropriate basis for reconsideration. *Fay Corp. v. BAT Holdings*
26 *One, Inc.*, 651 F. Supp. 307, 309 (W.D. Wash. 1987), *aff’d* 896 F.2d 1227 (9th Cir. 1990).

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1 have been raised before.”); *Rezzonico*, 32 F. Supp. 2d at 1116.

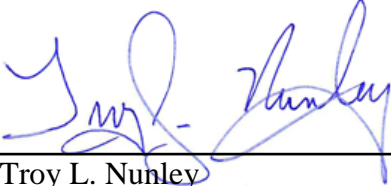
2 Further, Plaintiff’s request that the Court disqualify the magistrate judge from the
3 proceedings due to bias are baseless. Plaintiff does not provide any evidence other than the
4 magistrate judge’s adverse rulings, which “alone almost never constitute a valid basis for a bias or
5 partiality motion.” *Liteky v. United States*, 510 U.S. 540, 555 (1994).

6 Plaintiff fails to offer any new facts or a change in the law warranting revisiting either the
7 denial of injunctive relief or dismissal of Plaintiff’s Title VI claim. Thus, the Court denies
8 Plaintiff’s request for reconsideration.

9 **IV. CONCLUSION**

10 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for reconsideration (ECF
11 No. 29) be DENIED. Defendant is afforded twenty-one (21) days from the date of this Order to
12 answer the complaint.

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14 Dated: January 2, 2019

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18 Troy L. Nunley
19 United States District Judge
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