

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

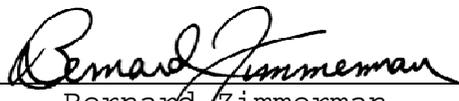
NOVENDER FLEMING,)	
)	
Plaintiff(s),)	No. C09-1613 BZ
)	
v.)	
)	
NADIA CLARK, et al.,)	
)	and Consolidated Case
Defendant(s).)	
<hr/>		
VICTOR JONES,)	
)	
Plaintiff(s),)	No. C09-4757 BZ
)	
v.)	
)	
NADIA CLARK, et al.,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION
Defendant(s).)	
)	
<hr/>		

Before me is plaintiffs' motion for leave to file a motion for reconsideration of the summary judgment order dated September 8, 2010. Civil Local Rule 7-9(b) requires that the moving party on such a motion show: 1) a material difference in fact or law exists from that which was presented to the Court; 2) the emergence of new material facts or a change of law; or 3) a manifest failure by the Court to consider

1 material facts for dispositive legal arguments which were
2 presented to the Court.

3 Plaintiffs provided the court with no reason why they
4 should be given leave to file a motion for reconsideration
5 under the Local Rules. Instead, plaintiffs argue for the
6 first time that they intended to defend their First Amendment
7 claim but inadvertently failed to do so when a server crashed.
8 Plaintiffs neither sought an extension to file their
9 opposition nor did plaintiffs mention their failure to oppose
10 defendant's motion on the First Amendment claim in their reply
11 brief. Plaintiffs are reminded that to the extent Mr. Jones
12 claims he was coerced into signing a statement, that is part
13 of his excessive force claim. In sum, plaintiffs failed to
14 carry their burden under Local Rule 7-9. The motion is
15 therefore **DENIED**.

16 Dated: September 14, 2010

17
18 

19 Bernard Zimmerman
United States Magistrate Judge

20
21 G:\BZALL\BZCASES\FLEMING v. CLARK\ORD DENYING MOT FOR RECONSID.wpd