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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAJAMES W. JAMES,
Plaintiff,

v.

LITTON LOAN SERVICING, LP, ET AL.,
Defendants.

No. C 10-05407 CRB

**ORDER DENYING MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION**

Now pending is Plaintiff's Motion for Leave to File a Motion for Reconsideration under Civil Local Rule 7-9 (dckt. no. 24). Plaintiff argues that the Court's February 22, 2011 Order Granting Motion to Dismiss was improper, because "In its order, the court overruled Plaintiff's good faith argument that Defendants' errors in their motion should be corrected before Plaintiff must respond on the merits, and thus the court did not allow Plaintiff, denying Plaintiff due process, any opportunity to oppose defendants' motion on the merits before the court made its ruling." *Id.* at 5. Indeed, as the Court noted in its Order, "Plaintiff filed an Opposition, and a Supplemental Opposition, see dckt. nos. 18, 20, but both focus almost exclusively on two typos in Defendants' papers which Plaintiff argues, somewhat implausibly, so confused him that he 'could not possibly ascertain the meaning and scheming that Defendants' might have hatched in their mind.' Supp. Opp. (dckt. no. 20) at 2." Dckt. no. 22 at 3-4.

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Nothing prevented Plaintiff from responding to Defendants' arguments on the merits either in his papers or at the motion hearing on February 18, 2011. Moreover, the Court based its February 22, 2011 Order not on Plaintiff's substantive failure to oppose, but on the merits, relying in large part on documents attached to Plaintiff's own Complaint. For these reasons and the reasons explained in the February 22, 2011 Order itself, the Court finds that there was no "manifest failure by the Court to consider material facts or dispositive legal arguments," Civil Local Rule 7-9(b)(3), and so DENIES the Motion for Leave to File a Motion for Reconsideration.

IT IS SO ORDERED.

Dated: March 8, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE