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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES ELLIS JOHNSON,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. [13-cv-02405-JD](#)**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

Re: Dkt. No. 116

On June 9, 2014, Plaintiff James Ellis Johnson, who is proceeding pro se, filed a Motion Request for Reconsideration of the Court Denying Plaintiff's Motion to Reassign the Case to Judge Chen. Dkt. No. 116. Plaintiff's motion requests the Court, pursuant to California Code of Civil Procedure § 1008(a), to reconsider its May 28, 2014 order, (Dkt. No. 114), which denied Plaintiff's request to have this case returned to Judge Chen after it was randomly reassigned to this Court under General Order 44.

Civil Local Rule 7-9 requires parties to seek permission from the court prior to filing a motion for reconsideration. Civ. L.R. 7-9(a). In a motion for leave to file a motion for reconsideration, the moving party must show: (1) "a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought;" (2) "[t]he emergence of new material facts or a change of law occurring after the time of such order;" or (3) "manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order." Civ. L.R. 7-9(b).

Even when leave to file is granted, motions for reconsideration serve a "very limited purpose" and are appropriate "only to correct manifest errors of law or fact or to present newly

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1 discovered evidence.” *Fed. Deposit Ins. Corp. v. Jackson-Shaw Partners No. 46, Ltd.*, 850
2 F.Supp. 839, 845 (N.D. Cal. 1994) (citation omitted). A motion for reconsideration may not be
3 brought “merely because Plaintiff is unhappy with the judgment . . . or because he disagrees with
4 the ultimate decision.” *Bridgeman v. Peralta*, No. 11-2132 WQH, 2011 WL 5830427, at *1 (S.D.
5 Nov. 18, 2011).

6 As an initial matter, Plaintiff has not asked this Court for leave to file a motion for
7 reconsideration. Even though Plaintiff is proceeding pro se, he is required to follow the Local
8 Rules of this District. *See* Civ. L.R. 3-9(a) (“A person representing him or herself without an
9 attorney is bound by the Federal Rules, as well as by all applicable local rules.”). For this reason
10 alone, the motion may be denied as procedurally improper. *See Doherty v. City of Alameda*, No.
11 09-4961-EDL, 2010 WL 1526135, at *1 (N.D. Cal. April 14, 2010).

12 Even if the Court were to construe Plaintiff’s motion as one for leave to file a motion for
13 reconsideration, it does not meet the showing required by Local Rule 7-9. Plaintiff does not point
14 to a subsequent change in fact or law, or a failure by the Court to consider facts or arguments
15 previously presented. Instead, Plaintiff’s motion repeats arguments made in his initial motion and
16 raises a number of new issues that have no bearing on the legal question examined in the Court’s
17 order, (Dkt. No. 114), including a discovery dispute regarding Plaintiff’s medical records, and
18 Plaintiff’s objections to certain aspects of the May 28, 2014 hearing on Defendants’ motions to
19 dismiss.

20 Accordingly, the Court denies Plaintiff’s Motion for Reconsideration.

21 **IT IS SO ORDERED.**

22 Dated: June 11, 2014

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25 JAMES DONATO
26 United States District Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES ELLIS JOHNSON,
Plaintiff,
v.
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Case No. [13-cv-02405-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/11/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Ellis Johnson
1819 Golden Gate Avenue, #12
San Francisco, CA 94115

Dated: 6/11/2014

Richard W. Wieking
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO