

1 Reopen, ECF No. 89. The Court set a hearing with respect to that motion, both to ensure that it
2 fully understood Huang’s position and to help Huang understand the reasons for the dismissal of the
3 action. After considering the briefing and the oral argument presented by Huang at the hearing on
4 January 31, 2013, the Court issued a written order denying the request to reopen the case. Order
5 Den. Mot. to Reopen, ECF No. 110. The Court again explained its reasons for concluding that it
6 lacks subject matter jurisdiction over Huang’s claims. *Id.*

7 Huang now seeks leave to file a motion for reconsideration of the Court’s denial of his
8 motion to reopen the case. Under the Court’s Civil Local Rules, a party may obtain leave to file a
9 motion for reconsideration by showing: (1) the existence of a material difference in fact or law from
10 that previously presented to the Court; (2) the emergence of new material facts or a change of law
11 occurring after issuance of the order as to which reconsideration is sought; or (3) a manifest failure
12 by the Court to consider material facts or dispositive legal arguments. Civ. L.R. 7-9(b). Huang
13 asserts that he submitted a reply in support of the motion to reopen on January 23, 2013, but that his
14 reply was not docketed until the afternoon of January 31, 2013, after conclusion of the hearing on
15 the motion to reopen. He argues that as a result, the Court was not able to consider “all the key facts
16 and the evidence.” Mot. for Leave at 1-2, ECF No. 112. However, the order denying the motion to
17 reopen acknowledged expressly that Huang had submitted a third reply¹ on January 23, 2013 and a
18 declaration in support of that reply on January 28, 2013; that the documents initially were marked
19 by the Clerk’s Office as “Received” rather than “Filed”; that the documents were docketed prior to
20 the hearing; and that the Court had considered the documents, along with Huang’s other reply
21 materials, prior to issuing the order. Order Den. Mot. to Reopen at 2-3 & n.1, ECF No. 110.

22 Huang’s motion for leave makes reference to Rules 60(a) and 60(b) of the Federal Rule of
23 Civil Procedure. Rule 60(a), governing the Court’s authority to correct clerical mistakes in its
24 orders and judgments, does not apply here. Rule 60(b), governing the Court’s authority to grant
25 relief from its orders and judgments based upon certain specified grounds, including the existence of
26 newly discovered evidence, likewise does not apply. As discussed above, the Court did consider

27 ¹ Huang previously had submitted replies on December 21, 2012 and December 28, 2012. *See* ECF
28 Nos. 99, 101.

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Huang's reply materials before issuing the order denying Huang's motion to reopen.

Accordingly, Huang's motion for leave to file a motion for reconsideration is DENIED.

IT IS SO ORDERED.

DATED: September 25, 2013



JEREMY FOGEL
United States District Judge