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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHRISTIAN WELLISCH,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, et al.,

Defendants.

Case No. [17-cv-00213-BLF](#)

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

[Re: ECF 55]

On June 30, 2017, Plaintiff Christian Wellisch filed a motion for leave to file a second motion for reconsideration or, alternatively, for a stay and leave to file a motion for certification of interlocutory appeal. Mot., ECF 55. Wellisch seeks reconsideration of the Court’s June 2, 2017 order granting defendants’ motion to dismiss, and argues that the Court failed to consider dispositive legal arguments and material facts that were presented to the Court. *Id.* at 1.

Like Wellisch’s first motion for leave to file a motion for reconsideration, the instant motion appears to be an attempt to relitigate issues raised in Captain Wellisch’s opposition to Defendants’ motion to dismiss. Specifically, Wellisch again raises concerns about Defendant Pennsylvania Higher Education Assistance Agency (“PHEAA”)’s ability to litigate this matter. *See id.* at 3–5. In addition, Wellisch laments the fact that remand of his MIL 010 petition did not provide him all the relief he desires—he argues that has been deprived of his right to invoke the special procedural rules provided for in Cal. Mil. & Vet. Code § 409.3. *Id.* at 2, 4–5.

As to the first issue, the Court DENIES Wellisch’s motion for leave as a second motion for reconsideration is not the proper procedural ground upon which to seek review of issues already litigated and decided by the Court. The Court also DENIES Wellisch’s motion as to his arguments regarding the rights delineated under Cal. Mil. & Vet. Code § 409.3. First, Wellisch

1 cites no authority to support this Court taking any action to remedy his alleged deprivations.
2 Second, the Court recognized the potential procedural issues posed by allowing the MIL 010
3 petition to remain in federal court, and therefore severed it from the remainder of Wellisch's
4 claims, which are properly in federal court. *See* ECF 40. Having provided the Court with no
5 grounds upon which it could grant Wellisch the relief he seeks, the Court DENIES his motion.

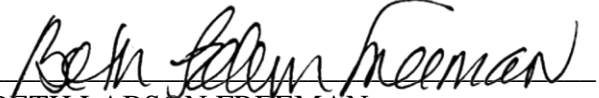
6 The Court also DENIES Wellisch's motion for leave to file a motion for certification of
7 interlocutory appeal. Plaintiff himself has conceded that he has not provided the Court with any
8 basis to grant this request. *See* Mot. at 2.

9 For the foregoing reasons, the Court DENIES Plaintiff's motion.

10 **IT IS SO ORDERED.**

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12 Dated: July 5, 2017

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14 BETH LABSON FREEMAN
15 United States District Judge
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