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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 CAREY DWAYNE DORSEY,

12 Plaintiff,

13 vs.

14 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, et al.,

15 Defendants.
16

CASE NO. 09cv519 BEN (AJB)

**ORDER DENYING MOTION FOR
RECONSIDERATION**

17 Plaintiff Carey Dwayne Dorsey's motion for reconsideration is before the Court. Dkt. No. 27.
18 On September 30, 2010, the Court granted the EEOC's motion for summary judgment and entered
19 judgment in favor of the EEOC. Dkt. No. 24. On February 8, 2011, Plaintiff filed his motion for
20 reconsideration. Dkt. No. 27. The Court finds this motion appropriate for decision without oral
21 argument and **DENIES** Plaintiff's motion for reconsideration. CivLR 7.1(d).

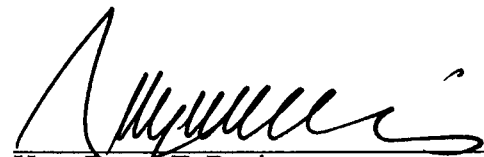
22 Reconsideration of a previous order is an "extraordinary remedy, to be used sparingly in the
23 interests of finality and conservation of judicial resources." *Carroll v. Nakatani*, 342 F.3d 934, 945
24 (9th Cir. 2003). "[A] motion for reconsideration should not be granted, absent highly unusual
25 circumstances, unless the district court is presented with newly discovered evidence, committed clear
26 error, or if there is an intervening change in the controlling law." *Id.* (quoting *Kona Enters., Inc. v.*
27 *Estate of Bishop*, 229 877, 890 (9th Cir. 2000)).

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1 Plaintiff has not identified any highly unusual circumstances, newly discovered evidence, clear
2 error or an intervening change in controlling law. And, contrary to Plaintiff's assertion, the Court did
3 not grant summary judgment to the EEOC because Plaintiff did not file an opposition. Rather, the
4 Court granted summary judgment because, viewing the facts in the light most favorable to Plaintiff,
5 the EEOC established that it performed an adequate search reasonably calculated to uncover all
6 documents relevant to Plaintiff's Freedom of Information Act request. There was no genuine issue
7 as to any material fact and the EEOC was entitled to judgment as a matter of law. Plaintiff's motion
8 for reconsideration is **DENIED**.

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11 **IT IS SO ORDERED.**

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13 DATED: February 17, 2011

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15 Hon. Roger T. Benitez
16 United States District Court Judge
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