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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
10	OMAR ERNEST EPPS,	Case No. 10cv1949 BEN (KSC)
11	Plaintiff,	ORDER:
12	VS.	DENYING PLAINTIFF'S
13	N. CDANNIC 1	MOTION FOR RECONSIDERATION
14	N. GRANNIS, et al.,	[Dkt. No. 121]
15	Defendants.	
16	Plaintiff moves for reconsideration of the Court's June 27, 2013 Order,	
17	pursuant to Federal Rule of Civil Procedure 60(b). Defendants have not filed a	
18	response. The Federal Rules of Civil Procedure do not expressly provide for	
19	motions for reconsideration. However, where a ruling has resulted in a final	
20	judgment or order, a request for reconsideration may be considered a motion to alter	
21	or amend judgment pursuant to Federal Rule of Civil Procedure 59(e), or a motion	
22	for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b). School	
23	Dist. No. 1J Mulnomah Co. v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993).	
24	Because the Court's June 27, 2013 Order was <i>not</i> a final judgment or order,	
25	however, the Court shall consider Plaintiff's Motion solely pursuant to Local Rule	
26	7.1(i)(1), which provides that a party may apply for reconsideration "[w]henever any	
27	motion or any application or petition for any order or other relief has been made to	
28	any judge and has been refused in whole or in part "S.D. CAL. CIV. L.R. 7.1(i).	
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Local Rule 7.1(i)(2), like Rule 59, permits motions for reconsideration within "twenty-eight (28) days after the entry of the ruling, order or judgment sought to be reconsidered." *Id.* Therefore, Plaintiff's Motion is timely. However, Plaintiff must show "what new or different facts and circumstances are claimed to exist which did not exist, or were not shown, upon such prior application." *Id.*

Reconsideration of a court's prior determination "must be based 'upon manifest error of law, or mistake of fact, and is not intended to give an unhappy litigant an additional chance to sway the court." *Paalan v. United States*, 58 Fed. Cl. 99, 105 (2003) (quoting *Bishop v. United States*, 26 Cl. Ct. 281, 286 (1992)); *see also United States v. Navarro*, 972 F. Supp. 1296, 1299 (E.D. Cal. 1997) ("[M]otions to reconsider are not vehicles permitting the unsuccessful party to 'rehash' arguments previously presented."). In sum, Plaintiff's arguments are legal disagreements with this Court's decision now relying on "new" or "different" facts or circumstances. However, the facts Plaintiff now points to, if they are as Plaintiff describes them, were in existence at the time Plaintiff filed his response to this Court's Order to Show Cause. They were not presented then, and will not be reconsidered now. *See* S.D. CAL. CIV. L.R. 7.1(i).

Based on the foregoing, the Court hereby **DENIES** Plaintiff's Motion for Reconsideration

IT IS SO ORDERED.

DATED: August 19, 2013

Hon. Roger T. Benitez United States District Judge