

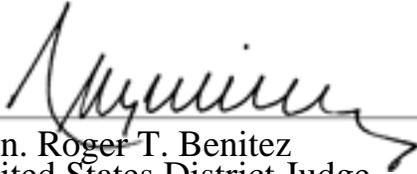
1 Local Rule 7.1(i)(2), like Rule 59, permits motions for reconsideration within
2 “twenty-eight (28) days after the entry of the ruling, order or judgment sought to be
3 reconsidered.” *Id.* Therefore, Plaintiff’s Motion is timely. However, Plaintiff must
4 show “what new or different facts and circumstances are claimed to exist which did
5 not exist, or were not shown, upon such prior application.” *Id.*

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

18 Based on the foregoing, the Court hereby **DENIES** Plaintiff’s Motion for
19 Reconsideration

20 IT IS SO ORDERED.

21 DATED: August 19, 2013

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23 
24 Hon. Roger T. Benitez
25 United States District Judge
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