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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALLEN LEE RODRIGUEZ, et al.,
Plaintiff,
vs.
SILBERMAN, et al.,
Defendant.

CASE NO. 10cv2201-MMA (RBB)

**ORDER RE: PLAINTIFF’S LETTER
TO THE COURT**

[Doc. No. 8]

Plaintiff Allen Lee Rodriguez, a prisoner proceeding *pro se*, filed this purported civil rights action pursuant to 42 U.S.C. § 1983. On January 13, 2011, the Court issued an order dismissing Plaintiff’s first amended complaint without prejudice for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(b) and § 1915A(b). *See* Doc. No. 5. The Court also denied Plaintiff leave to file a second amended complaint, finding amendment would be futile. *Id.* The Clerk of Court entered judgment accordingly, and closed the case. *See* Doc. No. 6. Plaintiff now submits a letter motion to the Court, seeking reconsideration of the January 13 Order.

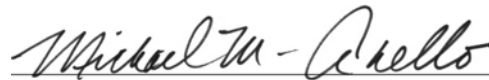
The Court has discretion to reconsider and vacate a prior order. *Barber v. Hawaii*, 42 F.3d 1185, 1198 (9th Cir.1994); *United States v. Nutri-cology, Inc.*, 982 F.2d 394, 396 (9th Cir.1992). Motions for reconsideration are disfavored, however, and are not the place for parties to make new arguments not raised in their original briefs. *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001); *Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th

1 Cir.1988). Nor is reconsideration to be used to ask the Court to rethink what it has already thought.
2 *Walker v. Giurbino*, 2008 U.S. Dist. LEXIS 111382, 2008 WL 1767040, *2 (E.D.Cal. 2008); *United*
3 *States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D. Ariz.1998). “A party seeking reconsideration
4 must show more than a disagreement with the Court’s decision . . .” *United States v. Westlands*
5 *Water Dist.*, 134 F.Supp.2d 1111, 1131 (E.D. Cal. 2001).

6 Here, Plaintiff argues, *inter alia*, that he has evidence to prove his claims of libel and slander.
7 However, as the Court noted in its prior order, Plaintiff’s claims are directed towards private actors,
8 do not involve any constitutional violations, and thus are not cognizable under section 1983. *Price*
9 *v. Hawaii*, 939 F.2d 702, 707-08 (9th Cir. 1991). Accordingly, the Court finds no basis upon which
10 to reconsider, alter, or amend its January 13 Order and **DENIES** Plaintiff’s request to do so.

11 **IT IS SO ORDERED.**

12 DATED: February 22, 2011



Hon. Michael M. Anello
United States District Judge

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