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

JUAN ROMERO, FRANK
TISCARENO, and KENNETH
ELLIOT,

Plaintiffs,

v.

SECURUS TECHNOLOGIES, INC.,

Defendant.

CASE NO. 16cv1283 JM (MDD)

ORDER DENYING MOTION TO
ALTER OR AMEND ORDER
DENYING MOTION FOR CLASS
CERTIFICATION

Defendant Securus Technologies, Inc. (“Securus”) moves to alter or amend this court’s April 12, 2018 Order Denying Motion for Class Certification (“Order”), *without prejudice*. Securus seeks to correct perceived factual discrepancies in the Order and to deny the motion for class certification *with prejudice*. Plaintiffs Juan Romero, Frank Tiscareno, and Kenneth Elliot (“Plaintiffs”) oppose the motion to amend. Pursuant to L.R. 7.1(d)(1), the court finds the matters presented appropriate for resolution without oral argument.¹

Reconsideration of an earlier court order is generally appropriate “if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. . . There may also be other, highly unusual circumstances warranting


¹ The court incorporates the prior Order.

1 reconsideration." School Dist. No. 1J, Multnomah County, Oregon v. AC and S, Inc.,
2 5 F.3d 1255, 1263 (9th Cir. 1993) (citations omitted); Fed.R.Civ.P. 60(b). The court
3 notes that Plaintiffs have timely refiled their motion for class certification within the
4 time period set forth in the Order, with a hearing date of August 20, 2018. At that time,
5 Securus may respond to any perceived factual discrepancies. Accordingly, the court
6 concludes that Securus fails to show any newly discovered evidence, clear error, or
7 intervening change in controlling law that warrants reconsideration of the Order.

8 In sum, the motion to alter or amend the Order is DENIED.

9 **IT IS SO ORDERED.**

10 DATED: August 9, 2018



Hon. Jeffrey T. Miller
United States District Judge

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12 cc: All parties

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