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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 RAUL ARRELLANO,

12 Plaintiff,

13 v.

14 BLAHNIK,

15 Defendant.

Case No.: 16cv2412-CAB-MSB

**ORDER DENYING MOTION TO
FILE MOTION FOR
RECONSIDERATION [Doc. No. 182]**

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17 On March 30, 2021, this Court issued an order granting Defendant's motion for
18 summary judgment regarding punitive damages (hereinafter the "MSJ Order"). [Doc.
19 No. 179.] On April 15, 2021, Plaintiff filed a motion to file a motion for reconsideration
20 of that order. [Doc. No. 182.]

21 A. Motion for reconsideration.

22 Although the FRCP do not expressly authorize a motion for reconsideration, "(a)
23 district court has the inherent power to reconsider and modify its interlocutory orders
24 prior to the entry of judgment ..." Posthearing Procedures, *Cal. Prac. Guide Fed. Civ.*
25 *Pro. Before Trial*, Ch. 12-E, §12:158, quoting *Smith v. Massachusetts*, 543 US 462, 475
26 (2005).

27 However, reconsideration is an "extraordinary remedy, to be used sparingly." Absent
28 highly unusual circumstances, a motion for reconsideration will not be granted "unless

1 the district court is presented with newly discovered evidence, committed clear error, or
2 if there is an intervening change in the controlling law.” *Kona Enterprises, Inc. v. Estate*
3 *of Bishop*, 229 F3d 877, 890 (9th Cir. 2000)(internal quotes omitted).

4 B. Discussion.

5 Here, Plaintiff states he would like to file a motion for reconsideration because he
6 believes the Court “overlooked” some of the arguments Plaintiff made in his opposition
7 to the motion for summary judgment. [Doc. No. 182 at 1.] Plaintiff states he does not
8 have a copy of his prior opposition, but then make five arguments that he says were made
9 in his prior opposition and that this Court either overlooked or got wrong. [Doc. No. 182
10 at 1 – 5.] Given that Plaintiff sets forth his arguments, the Court treats his motion as one
11 for reconsideration of the MSJ Order.

12 The Court fully considered Plaintiff’s opposition when ruling on the motion for
13 summary judgment regarding punitive damages. In this motion, Plaintiff has not
14 presented any newly discovered evidence, nor has he shown clear error or an intervening
15 change in the controlling law. Rather, he merely reargues points he made in his prior
16 opposition. This is not a basis for reconsideration and, therefore, his motion is **DENIED**.

17 C. Conclusion

18 For the reasons set forth above, the motion to file motion for reconsideration is
19 **DENIED**. Moreover, this Court will not entertain any further motions for
20 reconsideration of this issue. Plaintiff is free to appeal this Court’s rulings to the
21 appropriate court of appeals at the appropriate time.

22 **IT IS SO ORDERED.**

23 Dated: April 15, 2021



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25 Hon. Cathy Ann Bencivengo
26 United States District Judge
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