

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-61848-CIV-COHN/SELTZER

RAYFIELD JOSEPH THIBEAUX,

Plaintiff,

v.

REBECCA F. DOHERTY, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

THIS CAUSE is before the Court on Plaintiff's Motion for Rehearing or in the Alternative Relief from Judgment [DE 16], which is more aptly characterized as a Motion for Reconsideration. The Court has considered Plaintiff's Motion, the record in this case and is otherwise advised in the premises.¹

Plaintiff's Motion requests that the Court reconsider its February 9, 2009 Order of Dismissal [DE 12] which, pursuant to a screening under 28 U.S.C. § 1915, dismissed Plaintiff's Complaint with prejudice. In the Order, the Court held that dismissal was required because (1) the Complaint fails to state a claim; (2) the claims in the Complaint are precluded by the doctrines of res judicata and collateral estoppel; and (3) Plaintiff's claims are barred by immunity.

¹ Plaintiff filed a Motion for Rehearing or in the Alternative Relief from Judgment [DE 14] on February 27, 2009. Several days later Plaintiff filed the instant Motion, which is a revised version of the document filed on February 27, 2009, and he also filed a Motion to Amend [DE 15]. For purposes of this Order, the Court has considered the revised Motion.

“The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence.” Z.K. Marine Inc. v. M/V Archigetis, 808 F. Supp. 1561, 1563 (S.D. Fla. 1992) (quoting Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985)). “A motion for reconsideration should not be used as a vehicle to present authorities available at the time of the first decision or to reiterate arguments previously made[.]” Id. “In order to reconsider a judgment there must be a reason why the court should reconsider its prior decision, and the moving party must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision.” Association For Disabled Americans, Inc. v. Amoco Oil Co., 211 F.R.D. 457, 477 (S.D. Fla. 2002). Plaintiff’s Motion fails to meet this standard. In the Motion, Plaintiff reiterates the claims raised in the Complaint and provides no reason for this Court to reconsider the dismissal of claims that have been rejected by this Court, the District Court for the Western District of Louisiana and the Fifth Circuit Court of Appeals. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff’s Motion for Reconsideration [DE 16] is **DENIED**. It is further

ORDERED AND ADJUDGED that Plaintiff’s Motion for Reconsideration [DE 14] and Plaintiff’s Motion to Amend [DE 15] are **DENIED as moot**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 13th day of March, 2009.



JAMES I. COHN
UNITED STATES DISTRICT JUDGE

Copies provided to:

Rayfield Joseph Thibeaux, *pro se*