

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 09-23450-CIV-MORENO

OSIRIS MENDEZ and JUAN FALCON,

Plaintiffs,

vs.

D.V.R. PROTECTION COMPANY, INC., and
IVAN MARTINEZ,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION

THIS CAUSE came before the Court upon Plaintiffs' Motion for Reconsideration, to Re-Open Case, and to Vacate Dismissal (**D.E. No. 8**), filed on **January 27, 2010**.

THE COURT has considered the motion, response, and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is DENIED. The Eleventh Circuit has stated that "[a] motion for reconsideration made after final judgment falls within the ambit of either Rule 59(e) (motion to alter or amend a judgment) or Rule 60(b) (motion for relief from judgment or order)." *Region 8 Forest Serv. Timber Purchasers Council v. Alcock*, 993 F.2d 800, 806 (11th Cir. 1992) (citations omitted). In a motion for reconsideration, the moving party must explain "why the court should reconsider its prior decision and set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." *Fla. Coll. of Osteopathic Med., Inc. v. Dean Witter Reynolds Inc.*, 12 F.Supp. 2d 1306, 1308 (S.D. Fla. 1998) (citation and internal quotations omitted). Here, Plaintiffs seek to reopen the case through a motion for reconsideration. They argue the case should

be reopened and the dismissal should be vacated to correct clear error or to eliminate manifest injustice.

On January 25, 2010, the Court dismissed the case without prejudice for Plaintiffs' failure to sufficiently plead the Court's jurisdiction over this matter and for Plaintiffs' failure to respond to Defendants' Motions to Dismiss. In their motion, Plaintiffs do not advance any arguments that induce the Court to reverse its prior decision. Plaintiffs neglect to explain where the Court committed clear error or manifest injustice with its dismissal of the case without prejudice. Accordingly, it is

ADJUDGED that Plaintiffs' Motion for Reconsideration is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of May, 2010.


FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of Record