

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

KEVIN O'MALLEY,

Plaintiff,

v.

AVALON MORTGAGE, INC.,  
*et al.*,

Defendants.

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CIVIL ACTION NO.  
2:09-CV-0119-RWS

**ORDER**

On March 19, 2010, the Court entered an Order [38] adopting the Report and Recommendation [29] of Magistrate Judge Susan S. Cole. On March 29, 2010, Plaintiff filed a document titled "Objection to Order to Dismiss" [40]. The Court will treat Plaintiff's Objection as a Motion for Reconsideration.

The Court's decisions are "not intended as mere first drafts, subject to revision and reconsideration at a litigant's pleasure," Quaker Alloy Casting Co. v. Gulfco Indus., Inc., 123 F.R.D. 282, 287 (N.D. Ill. 1988), and motions for reconsideration should not be filed as a matter of routine practice. LR 7.2(E), ND Ga. Rather, such motions "should be reserved for certain limited situations, namely the discovery of new evidence, an intervening development or change

in the law, or the need to correct a clear error or prevent a manifest injustice.”

Deerskin Trading Post, Inc. v. United Parcel Serv. of Am., Inc., 972 F. Supp. 665, 674 (N.D. Ga. 1997) (citing Preserve Endangered Areas of Cobb’s History v. United States Army Corps of Engineers, 916 F. Supp. 1557, 1560 (N.D. Ga. 1995), aff’d, 87 F.3d 1242 (11th Cir. 1996)).

Given the narrow scope of a motion for reconsideration, it is improper to move for reconsideration, for example, “to present the court with arguments already heard and dismissed or to repackage familiar arguments to test whether the court will change its mind.” Bryan v. Murphy, 246 F. Supp. 2d 1256, 1259 (N.D. Ga. 2003). Moreover, “[a] motion for reconsideration is not an opportunity for the moving party . . . to instruct the court on how the court ‘could have done it better’ the first time.” Preserve Endangered Areas of Cobb’s History, 916 F. Supp. at 1560.

Having reviewed Plaintiff’s Objection, the Court finds that Plaintiff has failed to state any grounds that warrant reconsideration of the Court’s previous Order. Therefore, Plaintiff’s Motion for Reconsideration [40] is hereby **DENIED.**

**SO ORDERED**, this 7th day of April, 2010.



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**RICHARD W. STORY**  
United States District Judge