

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

STEVEN L. BRENNER,	)	CIVIL NO. 10-00113 SOM/BMK
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF'S
	)	RECONSIDERATION MOTION
vs.	)	
	)	
INDYMAC BANK, F.S.B.;	)	
ONE WEST BANK, F.S.B.; <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	
	)	

ORDER DENYING PLAINTIFF'S RECONSIDERATION MOTION

The court has reviewed the document filed by Plaintiff Steven L. Brenner on November 29, 2010, under the title "Judicial Notice in Support of Petition and Demand To Reverse Judge's Order Granting Motion To Dismiss and Written Objections" (ECF No. 54). The court construes this document as a reconsideration motion by Brenner. The reconsideration motion is denied.

First, the motion is untimely. As no judgment has been entered, this appears to be a motion seeking reconsideration from an interlocutory order. Under Local Rule 60.1, such a motion must be brought within 14 days of the underlying order, which was entered on November 9, 2010 (ECF No. 50).

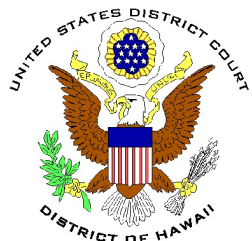
Second, even if this court on its own grants Brenner an extension of the time in which to seek reconsideration, his motion raises no matter establishing (a) discovery of new material facts not previously available, (b) an intervening

change in the law, or (c) a manifest error of law or fact, as required by Local Rule 60.1. Local Rule 60.1 mirrors Rule 60 of the Federal Rules of Civil Procedure, which governs reconsideration motions relating to final orders. In his reconsideration motion, Brenner cites numerous cases without showing that controlling cases were somehow flouted by this court. Thus, the reconsideration motion would be denied on its merits even if timely.

Plaintiff remains allowed to file a motion for leave to file an amended complaint, as stated in the court's order of November 9, 2010. The court extends the deadline by which Plaintiff may submit a motion for leave to file an amended complaint from the previous deadline of December 8, 2010, to December 28, 2010, so that Plaintiff will not be prejudiced by having used some of the past few weeks to prepare his reconsideration motion. Unless by December 28, 2010, Plaintiff files a motion for leave to file an amended complaint, judgment will be automatically entered against him.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 30, 2010



/s/ Susan Oki Mollway  
Susan Oki Mollway  
Chief United States District Judge

Brenner v. IndyMac Bank, F.S.B; One West Bank, F.S.B. et al., Civ. No. 10-00113 SOM/BMK; ORDER DENYING PLAINTIFF'S RECONSIDERATION MOTION.