

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DANIEL T. ASAOS,) CIVIL NO. 10-00553 SOM/KSC
)
Plaintiff,) ORDER DENYING PLAINTIFF'S
) MOTION FOR RECONSIDERATION
vs.)
)
CITI MORTGAGE, INC., a)
Business Entity,)
ABN AMRO MORTGAGE GROUP, a)
Business Entity, form unknown,)
MAUI CAPITAL GROUP, INC., a)
Business Entity, form unknown,)
ISLAND TITLE CORPORATION, a)
Business Entity, form unknown,)
and DOES 1-100 inclusive,)

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

The court has reviewed pro se Plaintiff Daniel T. Asao's letter to the court filed on February 9, 2011. See ECF No. 39. In the letter, Asao asks the court to "reconsider the Motion to Dismiss Summary Judgment Under Judgment by Default." While the letter is unclear, the court construes Asao's correspondence as a motion for reconsideration of the court's January 24, 2011, order denying Asao's "Notice of Motion for Summary Judgment by Default." See ECF No. 31. The court finds this matter suitable for disposition without a hearing, see Local Rule 7.2(d), and denies the motion for reconsideration.

Asao fails to raise any 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 the reconsideration motion, Asao seems to confuse and intertwine the concepts of service of process and a motion to dismiss. Asao claims that Defendants have made "untrue and misleading statements of improper service," but then cites the motion to dismiss standard under Conley v. Gibson, 355 U.S. 41, 45-46, 78 S. Ct. 99, 2 L. Ed. 2d 80 (1957). Such circumstances give the court no ground to reconsider its January 24, 2011, order.

As stated in the court's previous order, Asao is not precluded from filing a properly supported and timely summary judgment motion in the future. See Order 5, ECF No. 32. The court reminds Asao that there is a scheduled hearing for Defendants' motion to dismiss Asao's complaint on April 25, 2011, at 9:45 a.m. See ECF No. 37.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 10, 2011



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

Asao v. Citi Mortgage, Inc.; ABN AMRO Mortgage Group, et al., Civ. No. 10-00553 SOM/KSC; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION.